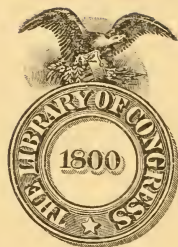


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1915

THE
PUBLIC SCHOOL LAW

OF

NORTH CAROLINA

BEING A PART OF

CHAPTER 89, REVISAL OF 1905, AS AMENDED BY THE GENERAL
ASSEMBLY OF 1907, 1909, 1911, 1913, AND 1915

TOGETHER WITH

EXPLANATORY NOTES AND DECISIONS OF
THE STATE SUPERINTENDENT OF
PUBLIC INSTRUCTION

216-295

RALEIGH
ISSUED FROM OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION
1915

THE
PUBLIC SCHOOL LAW

656
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OF

NORTH CAROLINA

BEING A PART OF

CHAPTER 89, REVISAL OF 1905, AS AMENDED BY THE GENERAL ASSEMBLY
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ISSUED FROM THE OFFICE OF THE
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
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TABLE OF CONTENTS

	PAGE
PREFATORY NOTE	4
EDUCATION IN OUR CONSTITUTION.....	5
NEW SCHOOL LEGISLATION, 1915.	
State-wide Law Authorizing Bonds for Schoolhouses.....	8
State-wide Law Authorizing Bonds for Schoolhouses in cities and towns	10
The Educational Omnibus Bill and Explanations.....	12
THE PUBLIC SCHOOL LAW.	
I. Application of Chapter, Section 4029.....	24
II. The State Board of Education, Sections 4030-4035.....	24
III. Loans for Building Schoolhouses, Sections 4053-4056.....	26
IV. The School System and Course of Study, Sections 4085-4088.....	27
V. The General Powers and Duties of the State Superintendent, Sections 4089-4092	28
VI. School Funds Provided by the State, Sections 4093-4106.....	29
VII. School Funds Provided by County and Local Taxation and Apportionment of Same, Sections 4107-4118.....	31
VIII. The Powers and Duties of the County Board of Education, Sections 4119-4134	38
IX. The Powers and Duties of the County Superintendent, Sections 4135-4144	44
X. The Powers and Duties of School Committee, Sections 4145-4151..	48
XI. The Treasurer of the School Fund, Sections 4152-4160.....	51
XII. Privileges and Duties of Teachers, Sections 4161-4167.....	54
XIII. Rural Libraries, Sections 4172-4179.....	60
XIV. Separate Schools for Indians of Robeson County, Sections 4168-4171	62
Text-book Law, Sections 4057-4084.....	64
Public High School Law.....	72
Deaf Children Must Attend School.....	76
Scientific Temperance Instruction.....	77
Health Law	79
Special County Taxation for Schools.....	81
Six-months School Term Law.....	82
Compulsory Attendance Law.....	87
Child Labor Law	92
Guilford County Farm-life School Law (made to apply to all counties of the State).....	93
Women on School Boards.....	97
County Farm-life Schools.....	98
CONSTRUCTIONS OF THE PUBLIC SCHOOL LAW.....	105
INDEX TO THE PUBLIC SCHOOL LAW.....	128
INDEX TO CONSTRUCTIONS OF PUBLIC SCHOOL LAW.....	135

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PREFATORY NOTE

This compilation of the Public School Laws of North Carolina is issued in this form, in accordance with section 4089 of The Revisal of 1905.

All amendments to the General School Law made by the several General Assemblies since the compilation of the law in The Revisal of 1905 have been incorporated in the respective sections, and the amendments made by the General Assembly of 1915 are printed in italics in the amended sections. This compilation includes also the special acts of State-wide application relating to public schools not included in the body of the public school law.

The notes, decisions and other matter, it is hoped, will be found convenient and useful.

A careful reading of the law by all school officers and teachers will prevent many mistakes and much burdensome correspondence and delay.

J. Y. JOYNER,
Superintendent of Public Instruction.

RALEIGH, March, 1915.

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EDUCATION IN OUR CONSTITUTION

Article IX of the Constitution of North Carolina relates to education. It reads as follows:

SECTION 1. Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

SEC. 2. The General Assembly, at its first session under this Constitution, shall provide by taxation and otherwise for a general and uniform system of public schools, wherein tuition shall be free of charge to all the children of the State between the ages of six and twenty-one years. And the children of the white race and the children of the colored race shall be taught in separate public schools; but there shall be no discrimination in favor of or to the prejudice of either race.

SEC. 3. Each county of the State shall be divided into a convenient number of districts, in which one or more public schools shall be maintained at least four months in every year; and if the commissioners of any county shall fail to comply with the aforesaid requirements of this section they shall be liable to indictment.

SEC. 4. The proceeds of all lands that have been or hereafter may be granted by the United States to this State and not otherwise appropriated by this State or the United States, also all money, stocks, bonds and other property now belonging to any State fund for purposes of education, also the net proceeds of all sales of the swamp lands belonging to the State, and all other grants, gifts or devises that have been or hereafter may be made to the State and not otherwise appropriated by the State or by the terms of the grant, gift or devise, shall be paid into the State Treasury, and, together with so much of the ordinary revenue of the State as may be by law set apart for that purpose, shall be faithfully appropriated for establishing and maintaining in this State a system of free public schools, and for no other uses or purposes whatsoever.

SEC. 5. All moneys, stocks, bonds, and other property belonging to a county school fund, also the net proceeds from the sale of estrays, also the clear proceeds of all penalties and forfeitures and of all fines collected in the several counties for any breach of the penal or military laws of the State, and all moneys which shall be paid by persons as an equivalent for exemption from military duty shall belong to and remain in the several counties and shall be faithfully appropriated for establishing and maintaining free public schools in the several counties in this State: *Provided*, that the amount collected in each county shall be annually reported to the Superintendent of Public Instruction.

SEC. 6. The General Assembly shall have power to provide for the election of trustees of the University of North Carolina, in whom, when chosen, shall be vested all the privileges, rights, franchises and endowments thereof in any wise granted to or conferred upon the trustees of said University; and the General Assembly may make such provisions, laws and regulations from time to time as may be necessary and expedient for the maintenance and management of said University.

SEC. 7. The General Assembly shall provide that the benefits of the University, as far as practicable, be extended to the youth of the State free of expense for tuition; also that all the property which has heretofore accrued to the State or shall hereafter accrue from escheats, unclaimed dividends or distributive shares of the estates of deceased persons shall be appropriated to the use of the University.

SEC. 8. The Governor, Lieutenant-Governor, Secretary of State, Treasurer, Auditor, Superintendent of Public Instruction, and Attorney-General shall constitute a State Board of Education.

SEC. 9. The Governor shall be president and the Superintendent of Public Instruction shall be secretary of the Board of Education.

SEC. 10. The Board of Education shall succeed to all the powers and trusts of the president and directors of the literary fund of North Carolina, and shall have full power to legislate and make all needful rules and regulations in relation to free public schools and the educational fund of the State; but all acts, rules and regulations of said board may be altered, amended or repealed by the General Assembly, and when so altered, amended or repealed they shall not be reenacted by the board.

SEC. 11. The first session of the Board of Education shall be held at the capital of the State within fifteen days after the organization of the State Government under this Constitution; the time of future meetings may be determined by the board.

SEC. 12. A majority of the board shall constitute a quorum for the transaction of business.

SEC. 13. The contingent expenses of the board shall be provided by the General Assembly.

SEC. 14. As soon as practicable after the adoption of this Constitution the General Assembly shall establish and maintain in connection with the University a department of agriculture, of mechanics, of mining and of normal instruction.

SEC. 15. The General Assembly is hereby empowered to enact that every child of sufficient mental and physical ability shall attend the public schools during the period between the ages of six and eighteen years for a term of not less than sixteen months, unless educated by other means.

SEC. 27. The people have the right to the privilege of education, and it is the duty of the State to guard and maintain that right.—*Bill of Rights, North Carolina Constitution.*

EDUCATIONAL QUALIFICATION FOR SUFFRAGE.

Article VI, section 4, of the Constitution of North Carolina contains the following:

Every person presenting himself for registration shall be able to read and write any section of the Constitution in the English language; and before he shall be entitled to vote he shall have paid, on or before the first day of May of the year in which he proposes to vote, his poll tax for the previous year, as prescribed by Article V, section 1, of the Constitution. But no male person who was on January 1, 1867, or at any time prior thereto, entitled to vote under the laws of any State in the United States wherein he then resided, and no lineal descendant of any such person, shall be denied the right to register and vote at any election in this State by reason of his failure to possess the educational qualifications herein prescribed: *Provided*, he shall have registered in accordance with the terms of this section prior to December 1, 1908.

NEW SCHOOL LEGISLATION, 1915

A STATE-WIDE BOND ACT FOR SCHOOL BUILDINGS

AN ACT TO PERMIT COUNTIES, TOWNSHIPS AND CERTAIN SCHOOL DISTRICTS TO ISSUE BONDS TO BUILD SCHOOLHOUSES.

The General Assembly of North Carolina do enact:

SECTION 1. *The board of county commissioners of any county in the State shall, upon the petition of the county board of education, order an election after thirty days' notice at the courthouse door and a publication of four weeks in some newspaper published in the county, to be held in any county, township or school district which embraces an incorporated town or city, or in which there is maintained a public high school, to ascertain whether the voters in said county, township or school district are in favor of issuing bonds for the purpose of building, rebuilding and repairing schoolhouses and furnishing the same with suitable equipment. The amount of bonds to be issued and the rate of interest they are to bear which shall not be more than 6 per cent per annum, payable semi-annually, and the length of time the bonds are to run, which shall not be more than twenty years, and the maximum tax that may be levied, which shall not exceed thirty cents on the one hundred dollars and ninety cents on the poll, shall be set forth in the petition of the county board of education and in the order for the election made by the board of county commissioners. In no case shall the bonds authorized under this act for an entire county exceed the sum of one hundred thousand dollars, nor for a township or school district the sum of twenty-five thousand dollars; but the bonds for a township or school district may be in addition to the bonds for the entire county.*

SEC. 2. *The election for an entire county shall be held under the rules and regulations governing general elections as near as may be, and if for a township or school district, then under the rules and regulations governing elections in special tax districts as prescribed in section four thousand one hundred and fifteen of the Revisal of one thousand nine hundred and five; but where the election be for a county or for a township or school district a new registration shall be ordered. At said election those favoring the issuance of bonds and the levying of a special tax shall vote a ballot on which shall be printed the words "For Schoolhouse Bonds," and those who are opposed shall vote a ballot on which shall be printed the words "Against Schoolhouse Bonds." The expenses of holding such elections shall be paid out of the general school fund of the county.*

SEC. 3. *If a majority of the qualified voters shall vote "For Schoolhouse Bonds," then it shall be the duty of the county board of commissioners to issue bonds not exceeding the amount specified in the order of election as the county board of education may request, and shall thereafter annually levy a sufficient tax not exceeding the amount specified in the order of election to pay the interest on said bonds and create a sinking fund sufficient to pay the principal and interest on said bonds when they fall due.*

SEC. 4. *The said bonds when so issued shall be delivered to the county board of education, who shall sell the same for not less than par and hold the proceeds for the benefit of the county building fund if the election be for the entire county or for the benefit of the township or school district in which the election was held. The said fund shall be paid out upon the order of the committee or trustees of the township or school district to which the fund belongs, and upon order of the board of education if the fund belongs to the entire county. The sinking fund provided for by this act shall be invested by the county board of education in safe securities or may be deposited in the bank that will pay as much as four per cent per annum compounded quarterly, and will give a sufficient bond for the safety of such deposit.*

SEC. 5. *That the taxes levied hereunder shall be collected by the sheriff or other officer charged with the collection of other taxes, and they shall in respect thereto be liable officially as well as personally to all requirements of the law now or hereafter to be prescribed for the faithful collection and payment of other county taxes.*

SEC. 6. *This act shall be in effect from and after its ratification.*

In the General Assembly read three times and ratified this the 26th day of February, 1915.

1915, c. 55.

BONDS FOR SCHOOLS IN CITIES AND TOWNS

AN ACT TO AUTHORIZE THE BOARD OF ALDERMEN OR OTHER GOVERNING BODY OF TOWNS AND CITIES TO ISSUE UPON APPROVAL BY VOTE OF THE PEOPLE BONDS FOR PURCHASING SITES, ERECTING BUILDINGS, ETC., FOR SCHOOL PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. *That whenever it shall be necessary in the judgment of the board of aldermen or other duly constituted authority of any incorporated town or city in the State, which is in charge of its finances to purchase lands or buildings or to erect additional buildings for school purposes, said board of aldermen or other authority is authorized and empowered to issue for said purposes in the name of said town or city, bonds of such amounts as said board of aldermen or other authority may deem necessary in such denominations and forms as said board of aldermen or other authority may determine: Provided, that the time of the payment of the principal of such bonds shall not be more than thirty years from the date thereof: and, Provided, further, that said bonds shall be serial bonds, the proportionate parts thereof being payable annually during the term for which they are issued.*

SEC. 2. *That said bonds shall bear interest at no greater rate of interest than six per cent per annum, payable semi-annually. In no case shall the bonds be sold, hypothecated or otherwise disposed of for less than their par value.*

SEC. 3. *That said bonds shall be signed by the mayor, attested by the town or city clerk or treasurer, and sealed with the corporate seal of said town or city, and shall bear the signature of the town or city clerk and treasurer written, engraved or lithographed. The purchaser of said bonds shall not be bound to see to the application of the purchase money. Said bonds and their coupons shall be exempt from town or city taxation until after they become due, and the coupons shall be receivable in payment of town or city taxes. The said bonds shall be sold at either public or private sale with or without notice, as the said board of aldermen or other authority may determine.*

SEC. 4. *That the board of aldermen or other proper authority of said towns and cities is hereby authorized to levy and collect each year, in addition to all other taxes in said city, an ad valorem tax upon all the taxable property in said city, sufficient to pay the interest on said school bonds as the same become due, and also at or before the time when the principal of the said bonds become due, a further uniform ad valorem tax upon all taxable property in said city, sufficient to pay the same or provide for the payment thereof; such taxes shall be levied and collected at the same time and in the same manner as other taxes are levied and collected upon property in said city: Provided, that the taxes collected under this act for the payment of said bonds and coupons, shall be used for no other purpose, and it shall be the duty of the clerk and treasurer of said town or city, as said coupons are paid off and taken up, to cancel the same and report not less than twice a year to the board of aldermen or other proper authority the numbers and amounts of the coupons so cancelled.*

SEC. 5. That the question of the issue of said bonds shall be submitted to a vote of the qualified voters of each town or city at such time as the board of aldermen or other proper authority of the town or city shall determine under the rules and regulations prescribed for the election of the mayor and members of the board of aldermen of said city; the said board of aldermen or other authority shall cause a notice of said election and the purpose of same to be published in some newspaper of said town or city for thirty days before said election and the clerk of the superior court of the county in which said town or city is located shall cause to be prepared and distributed at the various polling places in the said town or city a sufficient number of printed ballots favoring the issue of said bonds and a like number against the same; the said board of aldermen or other authority shall cause to be prepared and delivered at each polling place in the said town or city a ballot box indicating the purpose of the bond issue to be voted therein, as follows; "School Bonds \$....." (stating the amount authorized by the said board of aldermen or other authority). All qualified voters wishing to vote in favor of the issuing of said bonds and levying the taxes herein provided for, shall vote a written or printed ticket with the words "For School Bonds," and those wishing to vote against issuing said bonds and the levying of the taxes herein provided for shall vote a printed or written ticket with the words thereon "Against School Bonds." If a majority of said qualified voters shall vote "For School Bonds" on the proposition submitted for issuing bonds for the purpose aforesaid, then it shall be deemed and held that the proposition receiving a majority of such qualified votes is favored and approved by the majority of the qualified voters of such town or city, and the said board of aldermen or other authority of such town or city shall cause to be prepared and issued for the purpose so approved of by a majority of the qualified voters of said town or city and levy taxes in accordance with the provisions of this act.

SEC. 6. That the registration for the election shall be, if the said board of aldermen or other authority shall so order, the same as that which is or may be provided for the election of the mayor or other officers of said town or city, or the said board of aldermen or other authority may, in their discretion, order a new registration in the manner provided by law for new registration for election of said mayor and other officers, which said new registration may be especially for said bond election.

SEC. 7. That this act shall apply to towns or cities which have powers under special acts or charters as well as to those who derive their powers from the general law.

SEC. 8. That this act shall not be deemed or construed to repeal or abridge any powers, rights or privileges heretofore or hereafter granted by any special acts to any town or city, but shall be construed to grant additional powers where no such powers have been granted or coördinate powers where such powers have been already or shall be granted.

SEC. 9. That all laws and clauses of laws in conflict with this act, except as hereinbefore set out, shall be and are hereby repealed.

SEC. 10. That this act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified this the 4th day of March, 1915.

1915, c. 81.

EXPLANATION OF THE SEVERAL SECTIONS OF THE EDUCATIONAL OMNIBUS BILL OF 1915

AMENDING THE PUBLIC SCHOOL LAW

SECTION 1.

Subsection (a) provides that children with Croatan Indian blood in their veins shall not attend schools for the white race.

Subsection (b) provides for the formation of special tax districts out of portions of two contiguous counties.

Subsection (c) provides that "in all actions brought in any court against a county board of education for the purpose of compelling the board to admit any child or children who have been excluded from any school by the order of the county board of education, the order or action of the board shall be presumed to be correct, and the burden of proof shall be on the complaining party to show to the contrary."

Subsection (d) amends the law relating to the establishment of rural school libraries by providing "that after any school district shall have had a library for ten years or longer * * * said public school district shall be entitled to receive a second library," in accordance with the provisions of the act authorizing the establishment of rural school libraries.

Subsection (e) provides that the two groups of counties holding institutes on alternate years shall be equally divided in number, as nearly as may be. Counties are at present required to hold teachers' institutes every two years. The groups now holding institutes on alternate years are very unevenly divided, there being 33 in one group and 67 in the other. The purpose of this section is to divide the two groups evenly, in order that the work of the institutes may be more efficiently conducted and more carefully supervised.

Subsection (f) amends the present law relating to the school census. The essential changes it provides for are as follows: The school committee of each township or district is required to take the school census, or cause it to be taken, annually and to furnish the same to the county superintendent and the teacher by the opening day of the school term. Heretofore the census has been taken annually by the attendance officer appointed under the compulsory attendance act. This section requires also that a report shall be made by the committee or other person taking the school census, giving the names of all persons between the ages of twelve and twenty-one years who cannot read and write, and of all illiterates over twenty-one years of age.

Subsection (g) provides that "in all counties in which the office of county treasurer has been abolished, all banks or other corporations handling the public school funds shall be required to make all reports thereof required of the treasurer of the county school fund.

SECTION 2 provides that the remuneration of members of the county board of education be increased from \$2.00 a day to \$3.00 a day.

SECTION 3 amends compulsory attendance law.

Subsection (a) amends the present compulsory attendance law of 1913 by providing that the county board of education or the board of trustees of the public schools of any town of two thousand or more inhabitants may, in its discretion, extend the age limits for compulsory attendance from 12 years to 13 or to 14 years.

Subsection (b) further amends the compulsory attendance law so as to release the attendance officer from taking the census. [This provision for placing this matter in the hands of the school committee is made in subsection (f) of section 1 above.] It also requires that the principal or teacher in charge of a school shall furnish the attendance officer weekly reports of absences, and also requires the principal or teacher in charge to notify directly the parent or guardian of children who are absent. It further provides that, upon the failure of any attendance officer to prosecute, this duty shall, upon the report and recommendation of the principal, teacher, or school committee, devolve upon the county superintendent. The other provisions of this subsection are essentially as they stood in the original act.

Subsection (c) further amends the compulsory attendance act of 1913 by requiring the principal or teacher in charge to make a monthly report, giving the names of all children who have been absent without legal excuse parents or guardians of children who have been absent without legal excuse during the month, and it further requires the attendance officer, upon receipt of this notice, to notify the parents or guardians of such children as have been reported absent to meet him at a designated place and hour on the Saturday following the fourth Monday, for the purpose of explaining the cause of such absence; and for his services rendered on the days set for meeting the parents or guardians of children who have been absent without legal excuse during the month the attendance officer is allowed a compensation of \$2.00 a day. The other provisions of this subsection are essentially as they stood in the original act.

SECTION 4.

Subsections (a), (b), (c), and (d) all provide for amendments to the public high school law.

Subsection (a) simply brings forward to section 1 a provision of the present law from section 8, for which section a substitute is provided in subsection (d).

Subsection (b) simply removes from the law two provisions that are practically dead letters. The first makes it unnecessary for the principal to have the recommendation of the county superintendent before being elected. The law still provides that no one shall serve as principal of the public high school without the approval of the county superintendent. The second provision strikes out the requirement that the minimum salary paid a public high school teacher shall be \$40.00 a month. Some assistant high school teachers and part-time high school teachers may be had for less than this amount, and this requirement should, therefore, be stricken out.

Subsection (c), which is a substitute for the original section 7 of the public high school law, makes a part of the law the regulations of the State Board of Education governing the administration of the high schools, which are already in effect as rules and regulations of the State Board under the

general provisions of the high school law. The section is rewritten in order to make it more explicit and to put into the law definitely the requirements now made in the administration of these schools. It further changes the minimum and maximum amounts that may be apportioned under the law, reducing the minimum from \$250 to \$200, and increasing the maximum from \$500 to \$600. This provision is necessary in order to provide for this developing system of schools.

Subsection (d) changes the present law in one or two particulars. In the first place it provides that in the counties in which the office of treasurer has been abolished, any bank or other corporation handling the school funds shall be treasurer of the public high school fund also, and it further provides that the treasurer of any chartered school receiving State aid under the provisions of the high school law may, in the discretion of the State Board of Education, serve as treasurer of the public high school fund also, but shall receive no commission for disbursing the funds apportioned by the county and the State, under the provisions of the high school law.

SECTION 5 provides that the counties may set aside certain contingent funds to defray such administrative and supervisory expenses as the board may deem necessary, but requires that if these funds are set aside they shall be included in the necessary expenses for a four months' school term, and shall not operate to increase the county's demands upon the State equalizing fund.

Subsection (b) simply provides that the committee of any chartered school receiving funds under the high school law may serve as the high school committee also.

Subsection (c) provides that high schools receiving State aid under the high school act shall maintain an average daily attendance of at least twenty students, and it also provides for the distribution of the high school fund on a triple basis; namely, attendance, number of teachers, and grade of work done.

SECTION 6 provides that the amount set aside out of the public school fund of any county for maintenance of farm-life departments in the public high schools shall not increase the county's demands upon the State equalizing fund, and that such amount as the county may set aside under the provisions of the act authorizing the farm-life departments shall be included in the necessary expenses for a four months' school term. It further authorizes the board of county commissioners of any county to make an appropriation for the maintenance of farm-life departments in the public high schools, and strikes out the provision requiring counties to maintain a six months' school term before establishing farm-life schools.

SECTION 7.

Subsection (a) authorizes the present State board of examiners to issue certificates to applicants for the five-year State certificate who make on an examination an average of 75 per cent instead of 90 per cent, as is now required.

Subsections (b), (c), and (d) authorize the present State board of examiners to allow to applicants for State certificates certain credits for academic and professional work done in approved institutions, and also to allow certain credits for successful experience. It also authorizes the renewal of such certificates as the board now issues, and further provides that on their

second renewal—that is, after six years or ten years of successful experience—these certificates may be converted into life certificates in the discretion of the board.

SECTION 8 amends the law governing the distribution of the State equalizing fund by establishing maximum limits for the per cent of the fund which counties may set aside for contingent expenses, with the provision that these maximum limits governing apportionments for contingent expenses shall apply only in the apportionment of the State equalizing fund.

AN ACT TO PERMIT COUNTIES, TOWNSHIPS AND CERTAIN SCHOOL DISTRICTS TO
ISSUE BONDS TO BUILD SCHOOL HOUSES.

The General Assembly of North Carolina do enact:

SECTION 1. The board of county commissioners of any county in the State shall, upon the petition of the County Board of Education, order an election after thirty days' notice at the court house door and a publication of four weeks in some newspaper published in the county, to be held in any county, township or school district which embraces an incorporated town or city or in which there is maintained a public high school, to ascertain whether the voters in said county, township, or school district are in favor of issuing bonds for the purpose of building, rebuilding and repairing school houses and furnishing the same with suitable equipment. The amount of bonds to be issued and the rate of interest they are to bear which shall not be more than 6 per cent per annum, payable semi-annually, and the length of time the bonds are to run, which shall not be more than twenty years, and the maximum tax that may be levied, which shall not exceed thirty cents on the one hundred dollars and ninety cents on the poll, shall be set forth in the petition of the county board of education and in the order for the election made by the board of county commissioners. In no case shall the bonds authorized under this act for an entire county exceed the sum of one hundred thousand dollars nor for a township or school district the sum of twenty-five thousand dollars, but the bonds for a township or school district may be in addition to the bonds for the entire county.

SEC 2. The election for an entire county shall be held under the rules and regulations governing general elections as near as may be, and if for a township or school district then under the rules and regulations governing elections in special tax districts as prescribed in section four thousand one hundred and fifteen of the Revisal of one thousand nine hundred and five; but whether the election be for a county or for a township or school district a new registration shall be ordered. At said election those favoring the issuance of bonds and the levying of a special tax shall vote a ballot on which shall be printed the words "For School House Bonds," and those who are opposed shall vote a ballot on which shall be printed the words "Against School House Bonds." The expenses of holding such elections shall be paid out of the general school fund of the county.

SEC. 3. If a majority of the qualified voters shall vote "For School House Bonds" then it shall be the duty of the county board of commissioners to issue bonds not exceeding the amount specified in the order of election as the county board of education may request, and shall thereafter annually levy a sufficient tax not exceeding the amount specified in the order of

election to pay the interest on said bonds and create a sinking fund sufficient to pay the principal and interest on said bonds when they fall due.

SEC. 4. The said bonds when so issued shall be delivered to the county board of education who shall sell the same for not less than par and hold the proceeds for the benefit of the county building fund if the election be for the entire county or for the benefit of the township or school district in which the election was held. The said fund shall be paid out upon the order of the committee or trustees of the township or school district to which the fund belongs, and upon order of the board of education if the fund belongs to the entire county. The sinking fund provided for by this act shall be invested by the county board of education in safe securities or may be deposited in the bank that will pay as much as four per cent per annum compounded quarterly, and will give a sufficient bond for the safety of such deposit.

SEC. 5. That the taxes levied hereunder shall be collected by the sheriff or other officer charged with the collection of other taxes, and they shall in respect thereto be liable officially as well as personally to all requirements of the law now or hereafter to be prescribed for the faithful collection and payment of other county taxes.

SEC. 6. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this the 26th day of February, 1915.

A bill to be entitled an act to amend certain sections of the Revisal of one thousand nine hundred and five of North Carolina, and certain chapters of the Public Laws of North Carolina of one thousand nine hundred and seven, one thousand nine hundred and nine, one thousand nine hundred and eleven, and one thousand nine hundred and thirteen, all being parts of the public school law of North Carolina.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter eighty-nine of the Revisal of one thousand nine hundred and five be and the same is hereby amended as follows:

(a) Amend section four thousand and eighty-six by inserting between the word "blood" and the word "in" in line eight of said section the words "or what is generally known as Croatan Indian blood."

(b) Amend section four thousand one hundred and fifteen, as amended by chapter five hundred and twenty-five of public laws of one thousand nine hundred and nine and chapter one hundred and thirty-five public laws of one thousand nine hundred and eleven, by adding at the end thereof the following: "Special tax districts may be formed as provided herein out of portions of contiguous counties. The petition for such a district must be endorsed by the boards of education of both counties. The registrar and one poll holder shall be appointed by the board of commissioners of the county in which the larger number of petitioners reside, and one poll holder must be appointed by the board of commissioners of the other county. All the provisions of section four thousand one hundred and twenty-nine in regard to districts in contiguous counties shall be applicable as far as may be to the establishment of special tax districts out of portions of contiguous counties herein provided."

(c) Amend section four thousand one hundred and twenty-five by adding at the end thereof the following: "In all actions brought in any court against a county board of education for the purpose of compelling the board to admit any child or children who have been excluded from any school by the order of the county board of education, the order or action of the board shall be presumed to be correct, and the burden of proof shall be on the complaining party to show to the contrary."

(d) Amend section four thousand one hundred and seventy-two by adding at the end thereof the following: "*Provided*, that after any school district shall have had a library for ten years or longer under the provisions of this section, said school district shall be entitled to receive a second library in accordance with the foregoing provisions of this section."

(e) Amend section four thousand one hundred and sixty-seven by adding at the end thereof the following: "*Provided, further*, that the counties holding institutes on alternate years shall be equally divided in number, as nearly as may be, by the State Superintendent of Public Instruction after consultation with the county superintendents of schools and the county boards of education; and that teachers in such counties as may be exempted from holding institutes in one thousand nine hundred and sixteen, under this provision in order to divide the two groups of counties evenly, shall not be debarred from teaching for the school year ending June thirtieth, one thousand nine hundred and seventeen, because of non-attendance upon an institute or summer school in the year one thousand nine hundred and sixteen."

(f) Strike out all of section four thousand one hundred and forty-eight, as amended by chapter one hundred and thirty-five of the public laws of one thousand nine hundred and eleven, and insert in lieu thereof the following:

"4148 (*substitute for*). The school committee of each township or district is hereby required to furnish annually to the county superintendent of schools a census report of all the children of school age in the township or district by name, age, sex, and race, and the names of their parents or guardians. The blanks upon which such reports are to be made shall be furnished to the various school committees by the county superintendent at least two weeks prior to the beginning of the school term in each district, and the report, duly sworn to by the person taking the census, and signed and approved by the members of the committee, shall be returned to the county superintendent on or before the first day of the school term of each school year; and any committee failing to comply with the provisions of this section, without just cause, shall be subject to removal. The school is authorized to designate one of the teachers, or some other competent person in each school district, to take the census. The committeeman, or other person taking the census, shall be allowed a sum not exceeding three cents per name for all names reported between the ages of six and twenty-one. The committee shall furnish to the teacher at the opening of the school a complete copy of the census furnished to the county superintendent, which shall be recorded by the teacher in the school register. The census record entered in the register shall show the name, age, and sex of each child of school age in that district, together with the names and addresses of the parents or guardians. The census report shall show also the number of children of compulsory attendance age, and the committee shall furnish the attendance officer a separate list of all children subject to compulsory attendance,

containing the name, age, race, and sex of each and the names of their parents or guardians.

"There shall also be reported, by race and sex, the number and names of all persons between the ages of twelve and twenty-one who cannot read and write and the number and names, by race and sex, of all persons over twenty-one years of age who cannot read and write, and the number of deaf and dumb and blind between the ages of six and twenty-one years, designating the race and sex and the address of the parents or guardians of such children.

"The committee shall also report to the county superintendent, who in turn shall report to the county board of education, the number of public school houses and the value of all public school property for each race, separately."

(g) Amend section four thousand one hundred and fifty-eight by adding at the end thereof the following: "In all counties in which the office of county treasurer has been abolished all banks or other corporations handling the public school funds shall be required to make all reports thereof required of the treasurer of the county school funds under sections four thousand one hundred and fifty-seven and four thousand one hundred and fifty-eight of the Revisal of one thousand nine hundred and five as amended by any subsequent legislation."

SEC. 2. That section two thousand seven hundred and eighty-six of the Revisal of one thousand nine hundred and five of North Carolina be and the same is hereby amended by striking out in line two the words "two dollars" and inserting in lieu thereof the words "three dollars."

SEC. 3. That chapter one hundred and seventy-three of the public laws of one thousand nine hundred and thirteen be and the same is hereby amended as follows:

(a) Amend section one by adding at the end thereof the following words: "*Provided, further,* that the county board of education in any county may in its discretion, or the board of trustees of the public schools of any town of two thousand or more inhabitants may in its discretion, extend the age limit for compulsory attendance from twelve years to thirteen or to fourteen years."

(b) Strike out all of section five of said chapter and insert in lieu thereof the following:

"SECTION 5 (*substitute for*). The county board of education in each county shall appoint and remove at will an attendance officer in each township to enforce the provisions of this act. It shall be the duty of the school committee of each township or district to furnish each superintendent, principal, or teacher in charge of each school, and to furnish also the attendance officer of each township and the county superintendent, with an accurate school census of each school district at the opening of the school in said township or district each year. The superintendent, principal, or teacher in charge of any school shall at the end of each week serve written or printed notice upon every parent or guardian or other person having in charge any child within the compulsory attendance age, notifying him of the absence or absences of such child during the week and shall file copies of all such notices with the attendance officer immediately; and said parent, guardian, or persons shall be required to render promptly to such superintendent, principal, or teacher

in charge of the school the excuse or cause of absence of such child. The failure of such parent, guardian, or person to render satisfactory excuse within three days after the mailing or serving such notice shall be prima facie evidence of the violation of this act in case of any prosecution of such person under this act; and shall subject said person to prosecution therefor and to the payment of the costs incurred in such prosecution. The names of all persons failing to render satisfactory legal excuse shall be reported immediately to the attendance officer. Prosecutions under this act shall be brought by the attendance officer in the name of the State of North Carolina before any justice of the peace, or police justice, or recorder of any county, town, or township, in which the person prosecuted resides. Upon failure of any attendance officer to prosecute, the county superintendent, upon report and recommendation of principal or teacher in charge or of the school committee, shall prosecute for violation of this act. The attendance officer shall keep an accurate record of all notices served, all cases prosecuted, and all other services performed, and shall make an annual report of same to the county board of education. In the discretion of the county board of education, the attendance officer shall be allowed reasonable compensation from the county school fund for such services as are required of him under this act, compensation for which is not specifically provided for herein: *Provided*, that in case the county board of education shall appoint a school committee-man or township constable as attendance officer, the duties of such officer herein prescribed are hereby declared to be a part of his duties *ex officio*: *Provided, further*, that the school committee or board of trustees of any school in any town or city of five thousand or more inhabitants, operating its schools under special charter, is hereby authorized and empowered, if in their judgment such action is wise, to appoint an attendance officer for the schools under their direction, fix his compensation, and pay the same out of the special tax school funds of said town or city, and assign to him other duties in addition to those enumerated above."

(c) Strike out all of section six and insert in lieu thereof the following:

"SECTION 6 (substitute for). It shall be the duty of all principals and teachers to coöperate with the attendance officers in the enforcement of this law. To this end it shall be the duty of the principal or teacher in charge in every school in which pupils between the ages of eight and twelve years are instructed to keep an accurate record of the attendance of such pupils. On or before the fourth Monday of each calendar month 'during the compulsory attendance term of each school the superintendent, principal or teacher in charge of each school in each township shall report to the attendance officer of said township and the county superintendent the names of all children that have been absent without legal excuse during said month, the number of absences of each child together with the name of the parent, guardian, or person in charge of said child. The said township attendance officer shall immediately upon receipt of said report notify each of said parents, guardians, or other persons having in charge such reported children to meet him at a designated place in said township at a designated hour on Saturday following said fourth Monday for the purpose of explaining the cause of such absence of such children, and said attendance officer, after hearing and passing upon the excuses rendered, shall proceed with the prosecution as provided for in this act against those parents, guardians, or

other persons who fail to render legal excuse for the absence of such reported children.

"Said attendance officer shall be paid out of the general school fund of the county two dollars for his services rendered on said day for said purpose. The failure of any parent, guardian, or other person in charge of any child that has been reported absent, without excuse, to meet said attendance officer on said day without satisfactory excuse rendered shall be prima facie evidence of the violation of the provisions of this act and shall subject him to prosecution hereunder and to the penalty prescribed herein. Upon the wilful or negligent failure of any principal or teacher in charge of any school to comply with the provisions of this section, the county superintendent shall deduct from his or her salary for the current month the sum of five dollars before approving the voucher therefor."

SEC. 4. That chapter eight hundred and twenty of the public laws of one thousand nine hundred and seven be and the same is hereby amended as follows:

(a) Amend section one by adding at the end thereof the following words: "Provided that not more than four public high schools in any one county shall be entitled under the provisions of this act to receive State aid."

(b) Amend section four by striking out in line nineteen thereof the words: "and recommendation" and further by striking out all the words in said section after the word "superintendent" in line twenty.

(c) Strike out section seven and insert in lieu thereof the following:

"SECTION 7 (*substitute for*). Before any public high school shall be entitled to receive State aid under the provisions of this act, its application therefor shall have been approved by both the county board of education and the State board of education; and the amount of State aid to be given shall be determined by the State board of education, and the county board of education shall apportion to each public high school out of the general county fund at least as much as the State apportions to said high school; and the local committee of each public high school receiving State aid under the provisions of this act shall apportion out of the local school fund raised by special tax, or shall raise by private donation or otherwise, at least as much as the State board of education apportions to said high school under the provisions of the act; and when the high school committee shall deposit its apportionment with the treasurer to be placed to the credit of said public high school, the county board of education shall make an apportionment out of the general school fund of the county as provided herein, and deposit same with the treasurer to the credit of said public high school. When the treasurer and the county superintendent shall certify to the State Superintendent of Public Instruction that the apportionments by the local committee and the county board of education, herein required, have been duly authorized for any high school, a State warrant shall be issued upon the requisition of the State Superintendent of Public Instruction for such an amount as the State board of education shall have approved under the provisions of this act and sent to the treasurer to be placed to the credit of said public high school. All high school funds herein provided and placed to the credit of any high school shall be used exclusively for the payment of teachers' salaries in said high school and for such necessary incidental expenses as may be approved by the State Superintendent of Public Instruction; and said high school funds shall be paid out by the

treasurer for the purposes herein specified only upon the order of the public high school committee, approved by the county superintendent of schools. *Provided*, that the amount apportioned by the State board of education to any public high school, maintained under the provisions of this act, shall not be less than two hundred dollars nor more than six hundred dollars for any year: *Provided, further*, that after a public high school has been approved and established under the provisions of this act, it shall not be discontinued by the county board of education without the consent and approval of the State board of education."

(d) Strike out section eight and insert in lieu thereof the following:

"SECTION 8 (*substitute for*). The treasurer of the county school fund, or in counties in which the office of treasurer has been abolished, any bank or other corporation handling the public school funds shall be treasurer of the public high school fund, except as is hereinafter provided. He shall keep a separate account of the funds of each public high school, and shall on the first Monday in July of each year, make to the county board of education and to the State Superintendent of Public Instruction a report of all receipts and expenditures of said fund for each separate high school for the preceding year: *Provided*, that the treasurer of any chartered school receiving State aid under the provisions of this act, may in the discretion of the State board of education, serve as treasurer of the public high school fund, but shall receive no commission for disbursing the funds apportioned by the county and the State under the provisions of this act."

SEC. 5. That chapter one hundred and forty-nine of the public laws of one thousand nine hundred and thirteen be and the same is hereby amended as follows:

(a) Amend subsection (a) of section one by adding at the end thereof the following words: "*Provided, further*, that the county board of education may reserve as a further contingent fund a sufficient amount to pay the salary of an assistant superintendent, and to defray such other supervisory and administrative expenses as it may deem necessary, but the funds set aside for these purposes shall not operate to increase the amount to which said county would have been entitled from the State equalizing fund if said funds had not been set aside, and the same shall be included in the necessary expenses for a four months' school term for which a special tax, if necessary, must be levied under chapter thirty-three of the public laws of one thousand nine hundred and thirteen."

(b) Amend subsection (b) of section three, amending chapter eight hundred and twenty of the public laws of one thousand nine hundred and seven, by striking out in said subsection (b) in line four thereof, the words "section six of."

(c) Strike out subsection (h) of section three amending section nine of chapter eight hundred and twenty of the public laws of one thousand nine hundred and thirteen, and insert in lieu of said subsection (h) the following: "Every public high school receiving State aid under this act shall maintain an average daily attendance of at least twenty high school students for the required term, and any public high school making any average daily attendance of less than twenty students for the required term shall not be entitled to receive State aid under this act; and any additional amount beyond the minimum apportioned to any public high school under the provisions of this act shall be conditioned, first, upon the average daily at-

tendance above the required minimum for the preceding school year; second, upon the number of full-time high school teachers employed; and third, upon the grade and character of work done by said public high school."

SEC. 6. That chapter one hundred and five of the public laws of one thousand nine hundred and thirteen, amending chapter four hundred and forty-nine of the public local laws of one thousand nine hundred and eleven, be and the same is hereby amended by striking out in section one thereof all words after the words "Guilford County" in line seven thereof and inserting in lieu thereof the following: "*Provided*, that the amount annually set aside out of the public school fund by any county for maintenance of said farm-life departments shall not operate to increase the amount to which said county would have been entitled from the State equalizing fund if said apportionment for farm-life departments had not been set aside; and said apportionments shall be included in the necessary expenses for a four months' school term for which a special tax if necessary must be levied under chapter thirty-three of the public laws of one thousand nine hundred and thirteen. The board of county commissioners of any county is hereby authorized to provide out of the funds for necessary county expenses the funds required under section four of chapter four hundred and forty-nine of the public local laws of one thousand nine hundred and eleven for the establishment and maintenance thereunder of farm-life departments in public high schools, and to include the same in the annual levy for necessary county expenses."

SEC. 7. That subsection (i) of section one, chapter eight hundred and thirty-five of the public laws of one thousand nine hundred and seven, amending section four thousand one hundred and sixty-two of the Revisal of one thousand nine hundred and five of North Carolina, be and the same is hereby amended as follows:

(a) In line seven of said subsection (i) strike out the words "ninety per cent" and insert in lieu thereof the words "seventy-five per cent."

(b) After the word "certificate" in line fifteen insert the following words: "*Provided*, that the said board of examiners may, in their discretion, and in lieu of examination allow certain credits for academic and professional work done in approved institutions and for successful experience."

(c) After the word "certificate" in line thirty and before the word "and" insert the following words: "and said certificate shall be subject to renewal and may, in the discretion of the board of examiners, on its second renewal be converted into a life certificate."

(d) After the word "provided" in line thirty-seven and before the word "said" insert the following words: "*Provided*, that said board of examiners may, in their discretion, and in lieu of examination, allow certain credits for academic and professional work done in approved institutions and for successful experience; and said high school teacher's certificate shall be subject to renewal and may, in the discretion of the board of examiners, on its second renewal be converted into a life certificate."

SEC. 8. That chapter thirty-three of the public laws of one thousand nine hundred and thirteen be and the same is hereby amended by adding at the end of section four thereof the following words: "In the apportionment of the State equalizing fund the State board of education shall observe as the maximum that may be set aside for contingent expenses (said contingent

expenses to be construed to mean all items of expenses except the apportionment for teachers' salaries and for buildings, repairs, and equipment as provided by section four thousand one hundred and sixteen of the Revisal of one thousand nine hundred and five as amended) the following: In counties with a total school fund from general county and State sources of ten thousand dollars or less not more than twenty-five per cent thereof; in counties with a total school fund of over ten thousand dollars and less than twenty thousand dollars not more than twenty per cent thereof; in counties with a total school fund of over twenty thousand dollars and less than thirty thousand dollars not more than seventeen and one-half per cent thereof; in counties with a total school fund of more than thirty thousand dollars and less than fifty thousand dollars not more than sixteen per cent thereof; and in counties with a total school fund of more than fifty thousand dollars not more than fifteen per cent thereof: *Provided*, that these maximum limits shall apply only in the apportionment of the State equalizing fund."

SEC. 10. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 11. This act shall be in force from and after its ratification.

Ratified the 9th day of March, 1915.

THE PUBLIC SCHOOL LAW

The following is the Public School Law of one thousand nine hundred and five, as amended by the General Assembly of one thousand nine hundred and seven, one thousand nine hundred and nine, one thousand nine hundred and eleven, one thousand nine hundred and thirteen, and one thousand nine hundred and fifteen. Each division of the law is preceded by a succinct summary and contains explanatory notes, the whole being followed by decisions bearing on its interpretation.

I. APPLICATION OF CHAPTER

4029. THIS CHAPTER NOT APPLICABLE TO CERTAIN SCHOOLS; SUCH SCHOOLS REGULATED. The provisions of this chapter shall not apply to any township, city or town now levying a special tax for schools and operating under special laws or charters, or to schools operating under section forty-seven, chapter one hundred and ninety-nine, laws of one thousand eight hundred and eighty-nine. School districts in any city or town now operating under section forty-seven, chapter one hundred and ninety-nine, laws of one thousand eight hundred and eighty-nine, are hereby continued, and all vacancies in the school committees therein shall be filled by the county board of education. If such districts comprise a township, there shall not be appointed township school committeemen for such township, and all apportionments shall be made directly to the committee of such districts. The superintendent and treasurer of all such schools receiving any part of the public school fund shall be required to make to the State Superintendent and the county superintendent such reports as these officers shall demand and as are made by other public schools to them, and shall be under the general supervision of the State Superintendent of Public Instruction.

1901, c. 4, s. 73; 1903, c. 435, s. 25.

[This section requires the proper officers of town and city schools to make reports to the State Superintendent.]

II. THE STATE BOARD OF EDUCATION

Summary.—THE STATE BOARD CONSISTS OF THE GOVERNOR, THE LIEUTENANT-GOVERNOR, THE SECRETARY OF STATE, THE TREASURER, THE AUDITOR, THE SUPERINTENDENT OF PUBLIC INSTRUCTION, AND THE ATTORNEY-GENERAL; HAS CORPORATE POWERS; THE GOVERNOR IS PRESIDENT, THE STATE SUPERINTENDENT IS SECRETARY; IT MUST KEEP A RECORD OF ITS PROCEEDINGS, AND SUCCEEDS TO ALL THE POWERS OF "THE PRESIDENT AND DIRECTORS OF THE LITERARY FUND." THIS BOARD MAY MAKE RULES FOR THE GOVERNMENT AND REGULATION OF THE PUBLIC SCHOOLS AND HAS VESTED IN IT THE PROPERTY AND MANAGEMENT OF THE LITERARY FUND OF THE STATE.*

4030. INCORPORATED. The Governor, Lieutenant-Governor, Secretary of State, Treasurer, Auditor, Superintendent of Public Instruction and Attorney-

* The State Board of Education, in addition to the above, has control of the Colored Normal Schools (Rev. 1905, 4180-4186), and is the Text-book Commission (Rev. 1905, 4057-4084). The State Board also elects directors of State Normal and Industrial College (Rev. 1905, 4252). The trustees of the East Carolina Training School are also elected by this board (Laws 1907).

General shall constitute the State Board of Education, and by the name, the State Board of Education, are created a corporation, and by that name may sue and be sued; may have a common seal; may acquire, receive and hold real, personal and mixed property, by purchase, gift, devise or otherwise, and may sell, dispose of and convey the same; and may contract and be contracted with, for the purposes provided in this chapter and for such other purposes as may be prescribed by law, and to that end may make such by-laws for its government and the exercise of its powers, and alter the same from time to time in its discretion, as shall not be in conflict with the laws of the State and of the United States; and shall be vested with all other powers conferred upon corporations under the general law relating to corporations.

Const., Art. IX, ss. 8, 9, 10; Code, s. 2503; 1881, c. 200; 1903, c. 567, s. 7.

4031. OFFICERS; QUORUM; MEETINGS; EXPENSES. Of the board, the Governor shall be president, the Superintendent of Public Instruction shall be secretary, and the Treasurer of the State shall be treasurer, and a majority of the board shall constitute a quorum for the transaction of business. The board shall hold its meetings in the Executive office, and shall meet at such times as a majority of the members may appoint; but the Governor may call a meeting at any time. The contingent expenses of the board shall be provided for by the General Assembly.

Const., Art. IX, ss. 9, 12, 13; Code, s. 2504; 1881, c. 200, s. 2.

4032. PROCEEDINGS RECORDED. All the proceedings of the board shall be recorded in a well-bound and suitable book, which shall be kept in the office of the Superintendent of Public Instruction.

Code, s. 2505; 1881, c. 200, s. 3.

4033. SUCCEEDS TO POWERS AND PROPERTY; ETC., OF LITERARY FUND. The State Board of Education shall succeed to all the powers and trusts of the "president and directors of the literary fund of North Carolina," and shall have full power to legislate and make all needful rules and regulations for the government of the public schools and for the management of the State educational fund; but all such acts, rules and regulations of the board may be altered, amended or repealed by the General Assembly, and when so altered, amended or repealed shall not be reenacted by the board; and the board shall succeed to and have all the property, powers, rights, privileges and advantages which in anywise belonged or appertained to the "president and directors of the literary fund of North Carolina," and may, in its own name, assert, use, apply and enforce the same.

Const., Art. IX, s. 10; Code, s. 2506; 1881, c. 200, s. 4; R. C., c. 66; R. S., cc. 66, 67.

4034. ACCOUNTS KEPT; REPORTS MADE. The State Treasurer shall keep a fair and regular account of all the receipts and disbursements of the State literary fund, and shall report the same to the General Assembly at the same time when he makes his biennial account of the ordinary revenue; and the State Board of Education shall report to the General Assembly the manner in which the fund has been applied or invested, with such recommendations for the improvement of the same as to it shall seem expedient.

Code, s. 2507; R. C., c. 66, s. 4; 1825, c. 1268, s. 2; 1903, c. 567, s. 1.

4035. HOW FUNDS INVESTED. The State Board of Education is authorized to invest in North Carolina four per cent bonds or in other safe interest-bearing securities, the interest on which shall be used as may be directed from time to time by the General Assembly for school purposes.

1891, c. 369.

NOTE.—Sections 4036-4052 concern swamp lands.

III. LOANS FOR BUILDING SCHOOLHOUSES

Summary.—THE STATE BOARD MAY MAKE LOANS FROM THE LITERARY FUND TO THE COUNTY BOARD FOR BUILDING SCHOOLHOUSES, ANY SUCH LOAN TO BE RE-LOANED BY THE COUNTY BOARD OF THE SCHOOL DISTRICT. SUCH LOANS BEAR 4 PER CENT INTEREST AND ARE A LIEN ON ALL THE COUNTY SCHOOL FUNDS, AND MUST BE REPAID IN TEN EQUAL INSTALLMENTS. ALL LOANS ARE MADE UNDER SUCH RULES AND REGULATIONS AS THE STATE BOARD MAY ADOPT.*

4053. MADE BY STATE BOARD. The State Board of Education, under such rules and regulations as it may deem advisable, not inconsistent with the provisions of this chapter, may make loans from the State literary fund to the county board of education of any county for the building and improving of public schoolhouses or dormitories for rural high schools and county farm-life schools in such county; but no warrant for the expenditure of any money for such purposes shall be issued by the Auditor except upon the order of the State Superintendent of Public Instruction, with the approval of the State Board of Education.

1903, c. 567, ss. 1, 2, 8; 1913, c. 149.

4054. TERMS OF. Loans made under the provisions of this chapter shall be payable in ten installments, shall bear interest at four per centum, payable annually, and shall be evidenced by the note of the county board of education, executed by the chairman and secretary thereof, and deposited with the State Treasurer. The first installments of such loan, together with the interest on the whole amount then due, shall be paid by the county board on the tenth day of February after the tenth day of August subsequently to the making of such loan, and the remaining installments, together with the interest, shall be paid, one each year, on the tenth day of February of each subsequent year, till all shall have been paid.

1903, c. 567, s. 3.

4055. HOW SECURED AND PAID. At the January meeting of the county board of education, before any installment shall be due on the next tenth day of February, the county board shall set apart out of the school funds an amount sufficient to pay such installment and interest to be due, and shall issue its order upon the treasurer of the county school fund therefor, who, prior to the tenth day of February, shall pay over to the State Treasurer the amount then due. And any amount loaned under the provisions of this law shall be a lien upon the total school funds of such county, in whatsoever hands such fund may be; and upon failure to pay any installment or interest, or part of either, when due, the State Treasurer may deduct a sufficient amount for the payment of the same out of any fund due any county from any special State appropriation for public schools, or he may bring action against the county board of education of such county, any person in whose possession may be any part of the school funds of the county, and the tax collector of such county; and if the amount of school fund then on hand be insufficient to pay in full the sum so due, then the State Treasurer shall be entitled to an order directing the tax collector of such county to pay over to the State Treasurer all moneys collected for school purposes until such debt and interest shall have been paid.

1903, c. 567, s. 4.

4056. LOANS BY COUNTY BOARDS TO SCHOOL DISTRICTS. The county board of education, from any sum borrowed under the provisions of this chapter, may

* The State Superintendent, on application, will furnish the rules regulating this subject.

make loans to any district in such county for the purpose of building school-houses in such district, and the amount so loaned to any district shall be payable in ten annual installments, with interest thereon at four per centum, payable annually. At the January meeting of such county board it shall deduct from the apportionment made to any district which has borrowed under the provisions of this chapter, the installment and interest then due, and shall continue to deduct such amount at each annual January meeting until the whole amount shall have been paid, together with interest.

1903, c. 567, s. 5.

NOTE.—SECTIONS 4057-4084 concern the Text-book Commission.

[*Under this section the county board of education may make an additional apportionment out of its building fund to assist a district to repay its annual interest and installment on its loan.*]

IV. THE SCHOOL SYSTEM AND THE COURSE OF STUDY

Summary.—THE SYSTEM OF PUBLIC EDUCATION MUST BE UNIFORM AND FREE TO ALL CHILDREN BETWEEN THE AGES OF SIX AND TWENTY-ONE YEARS. SEPARATE SCHOOLS MUST BE PROVIDED FOR WHITE, COLORED AND INDIAN CHILDREN, WITHOUT RACE DISCRIMINATION. THE COURSE OF STUDY MUST INCLUDE SPELLING, READING, WRITING, ARITHMETIC, DRAWING, LANGUAGE LESSONS AND COMPOSITION, ENGLISH GRAMMAR, GEOGRAPHY, HISTORY OF NORTH CAROLINA AND THE UNITED STATES, AND ELEMENTS OF CIVIL GOVERNMENT, CONTAINING THE CONSTITUTIONS OF NORTH CAROLINA AND OF THE UNITED STATES, AND TEXT-BOOK INSTRUCTION IN PHYSIOLOGY AND HYGIENE. OTHER SUBJECTS MAY BE TAUGHT IN ELEMENTARY SCHOOLS WHEN PRESCRIBED BY THE STATE BOARD OF EDUCATION. THE STATE SUPERINTENDENT PRESCRIBES THE COURSE OF STUDY FOR HIGH SCHOOLS UNDER THE LAWS OF 1907. ALL SCHOOL OFFICIALS ARE REQUIRED TO TAKE OATH FOR THE FAITHFUL PERFORMANCE OF THEIR DUTIES.

4085. UNIFORM SYSTEM; COMPULSORY ATTENDANCE. The people have the right to the privilege of education, and it is the duty of the State to guard and maintain that right; and religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. The General Assembly shall provide, by taxation and otherwise, for a general and uniform system of public schools, wherein tuition shall be free of charge to all children of the State between the ages of six and twenty-one years; and the General Assembly is empowered to enact that every child of sufficient mental and physical ability shall attend the public schools, during the period between the ages of six and eighteen years, for a term of not less than sixteen months, unless educated by other means.

Const., Art. I, s. 27; Art. IX, ss. 1, 2, 15.

4086. SEPARATE SCHOOLS FOR RACES; NO DISCRIMINATION AGAINST EITHER RACE. The children of the white race and the children of the colored race shall be taught in separate public schools, but there shall be no discrimination in favor of or to the prejudice of either race. All white children shall be taught in the public schools provided for the white race, and all colored children shall be taught in the public schools provided for the colored race; but no child with negro blood, or *what is generally known as Croatan Indian blood*, in his veins, however remote the strain, shall attend a school for the white race, and no such child shall be considered a white child. The descendants of the Croatan Indians now living in Robeson and Richmond counties

shall have separate schools for their children, as hereinafter provided in this chapter.

Const., Art. IX, s. 2; 1901, c. 4, s. 68; 1903, c. 435, s. 22; 1915, c. —.

[It is the duty of the county boards of education to provide separate school facilities for the Cherokee Indian children residing in the western part of this State, when not otherwise provided for.]

4087. WHAT TAUGHT. The branches to be taught in all the public schools shall be spelling, reading, writing, arithmetic, drawing, language lessons and composition, English grammar, geography, the history of North Carolina and the United States and elements of civil government containing the Constitution of North Carolina and of the United States, elements of agriculture, and oral and text-book instruction in elementary physiology and hygiene, including the nature and effect of alcoholic drinks and narcotics: *Provided*, that in public schools employing more than one teacher the elements of civil government, physiology and hygiene, including the nature and effect of alcoholic drinks and narcotics and such other subjects of study as the State Board of Education may direct, shall be taught, after adequate provision shall have first been made for the thorough teaching of the branches before named.

1905, c. 533, s. 9; 1901, c. 4, s. 37.

[High school branches can not be taught in schools having only one teacher, and may be taught in schools having more than one teacher only after adequate provision has first been made for the thorough teaching of the elementary branches mentioned in this section.]

4088. OATH OF OFFICE TAKEN BY OFFICIALS. The members of the county board of education, the school committeemen and the county superintendent of public instruction shall, before entering upon the duties of office, take oath for the faithful performance thereof.

1901, c. 4, s. 45.

V. THE GENERAL POWERS AND DUTIES OF THE STATE SUPERINTENDENT

Summary.—THE SUPERINTENDENT IS REQUIRED TO PUBLISH THE SCHOOL LAW, MAKE A BIENNIAL REPORT TO THE GOVERNOR, KEEP HIS OFFICE AT THE CAPITAL, AND SIGN ALL ORDERS FOR MONEY PAID OUT OF STATE TREASURY FOR EDUCATIONAL PURPOSES. HE HAS GENERAL DIRECTION OF THE SCHOOL SYSTEM AND THE ENFORCEMENT OF THE SCHOOL LAW, ALL SCHOOL OFFICERS BEING REQUIRED TO OBEY HIS INSTRUCTIONS AND HIS INTERPRETATION OF THE LAW. HE IS REQUIRED TO BE ACQUAINTED WITH THE EDUCATIONAL CONDITION OF ALL SECTIONS OF THE STATE, AND HE MUST ALSO KEEP IN TOUCH WITH THE EDUCATIONAL PROGRESS OF OTHER STATES.*

4089. SHALL EQUIP OFFICE, PRINT AND CIRCULATE SCHOOL LAW, SUPERINTEND PUBLIC SCHOOLS. The Superintendent of Public Instruction of North Carolina shall have the school laws published in pamphlet form and distributed on or before the first day of May of each year. He shall send to each officer a circu-

* In addition to these general duties, the State Superintendent has the following duties: Secretary Text-book Commission, Rev. 1905, 4057; trustee of State Library, Rev. 1905, 5069; president of board of directors State Normal and Industrial College, Rev. 1905, 4252; chairman of Trustees of East Carolina Training School, Laws 1907; chairman State Board of Examiners, Laws 1907; prescribes course of study for public high schools, Laws 1907; makes rules and regulations for rural libraries, Rev. 1905; member board of trustees of Appalachian Training School, Laws 1907; chairman *ex officio* board of trustees of the Caswell Training School, Laws 1911; chairman *ex officio* board of trustees of Cullowhee Normal and Industrial School Laws 1913; member of board of trustees of the University of North Carolina, Laws 1909, c. 432.

lar letter enumerating his duties as prescribed in this chapter. He shall have printed all the forms necessary and proper for the purposes of this chapter, and he is hereby authorized to have printed as other public printing and distributed such educational bulletins as he shall deem necessary for the professional improvement of teachers and for the cultivation of public sentiment for public education, and shall look after the school interests of the State, and report biennially to the Governor, at least five days previous to each regular session of the General Assembly, which report shall give information and statistics of the public schools and recommend such improvements in the school law as may occur to him. He shall keep his office at the seat of government, and shall sign all requisitions on the Auditor for the payment of money out of the State Treasury for school purposes. Copies of his acts and decisions and of all papers kept in his office and authenticated by his signature and official seal shall be of the same force and validity as the original. He shall be furnished with such room, fuel, and stationery as shall be necessary for the efficient discharge of the duties of his office.

1900, c. 525.

4090. SHALL CONSTRUE AND ENFORCE LAW; ASCERTAIN BEST SCHOOL METHODS. He shall direct the operations of the system of public schools and enforce the laws and regulations in relation thereto. The county board of education and all other school officers in the several counties shall obey the instructions of the State Superintendent and accept his constructions of the school law. It shall be his duty to correspond with leading educators in other States and to investigate systems of public schools established in other States, and, as far as practicable, render the results of educational efforts and experiences available for the information and aid of the Legislature and State Board of Education.

1901, c. 4, s. 8; 1903, c. 435, s. 1.

4091. SHALL COUNSEL COUNTY BOARDS; HOLD INSTITUTES, ETC. It shall be his duty to acquaint himself with the peculiar educational wants of the several sections of the State, and he shall take all proper means to supply such wants, by counseling with county boards of education and county superintendents, by lectures before teachers' institutes and by addresses to public assemblies on subjects relating to public schools and public school work.

1901, c. 4, s. 9.

4092. DUTIES AS TO LOAN FUND. He shall go to any county when necessary for the due execution of the law creating a permanent loan fund for the erection of public school houses. He shall include in his annual reports a full showing of everything done under the provisions of the law creating the permanent loan fund for the erection of public school buildings.

1903, c. 751, ss. 11, 12.

VI. SCHOOL FUNDS PROVIDED BY THE STATE

Summary.—1. THE INCOME OF THE PERMANENT SCHOOL FUND, OR LITERARY FUND, CONSISTS OF THE PROCEEDS OF THE FOLLOWING: (a) LAND GRANTS FROM UNITED STATES; (b) MONEYS, STOCKS, BONDS; (c) SALES OF SWAMP LANDS; (d) GRANTS, GIFTS OR DEVISES. ALL THESE SOURCES OF INCOME ARE AT PRESENT UNPRODUCTIVE EXCEPT (c). THE STATE BOARD OF EDUCATION NOW USES THE LITERARY FUND TO AID IN BUILDING SCHOOLHOUSES, WHICH MAKES INOPERATIVE SECTIONS 4094-4096 BELOW. SEE SECTIONS 4053-56.

2. ANNUAL APPROPRIATION OF \$250,000. (SEE SECTION 1, SIX MONTHS SCHOOL LAW.) EQUALIZING FUND. HIGH SCHOOL APPROPRIATION.

4093. SPECIAL PERMANENT FUND. The proceeds of all lands that have been or may hereafter be granted by the United States to this State and not otherwise appropriated by this State or the United States; also all moneys, stocks, bonds and any other property now belonging to any State fund for the purposes of education; also the net proceeds of sales of swamp lands belonging to the State, and all other grants, gifts or devises that have been made or hereafter may be made to this State and not otherwise appropriated by this State or by the terms of the grant, gift or devise, shall be paid into the State Treasury, and, together with so much of the ordinary revenue of the State as may be set apart for that purpose, shall be faithfully appropriated for establishing and maintaining a system of free public schools, as established in pursuance of the Constitution, and for no other purpose whatsoever. And all funds of the State heretofore derived from the sources enumerated in section four, article nine of the State Constitution, and all funds that may be hereafter so derived, together with any interest that may accrue thereon, shall be a fund separate and distinct from the other funds of the State, to be known as the State literary fund.

Const., Art. IX, s. 4; 1901, c. 4, s. 4; 1903, c. 567, s. 1.

4094. APPORTIONMENT OF INCOME OF SCHOOL FUND. The State Board of Education shall, on the first Monday in August of each and every year, apportion among the several counties of the State all the school funds which may be then in the treasury of the board and order a warrant for the full apportionment to each county, which apportionment shall be made on the basis of the school population; but no part of the permanent school fund shall be apportioned or distributed, but only the income therefrom. The State Auditor shall keep a separate and distinct account of the public school funds and of the income and interest thereof, and also of such moneys as may be raised by State, county and capitation tax, or otherwise, for school purposes.

1901, c. 4, s. 1.

4095. APPORTIONMENT, HOW PAID. Upon the receipt of the requisition of the treasurer of any county, duly approved by the chairman and secretary of the county board of education, for the school fund which may have been apportioned to such county, the State Board of Education shall issue its warrant on the State Auditor for the sum due such county, whereupon the Auditor shall draw his warrant on the treasurer of the State Board of Education in favor of such county treasurer for the amount set forth in the warrant of the State Board.

1901, c. 4, s. 2.

4096. WARRANTS, HOW DRAWN AND ENDORSED. The State Treasurer shall receive and hold as a special deposit all school funds paid into the treasury, and pay them out only on the warrant of the Auditor, issued on the order of the State Board of Education in favor of a county treasurer, duly endorsed by the county treasurer in whose favor it is drawn, and it shall be the only valid voucher in the hands of the State Treasurer for the disbursement of school funds.

1901, c. 4, s. 3.

See Six Months School Law, page 8.

VII. SCHOOL FUNDS PROVIDED BY COUNTY AND LOCAL TAXATION AND APPORTIONMENT OF THE SAME

Summary.—1. THE PROCEEDS OF THE SALE OF ESTRAYS; ALL FINES, PENALTIES AND FORFEITURES; AND AUCTIONEERS' LICENSE TAX.

2. THE PROCEEDS OF AT LEAST THREE-FOURTHS OF THE GENERAL POLL TAX, THE MAXIMUM OF WHICH IS TWO DOLLARS, ON ALL MALE PERSONS BETWEEN TWENTY-ONE AND FIFTY YEARS OF AGE.*

3. THE PROCEEDS OF A TWENTY-CENTS TAX ON EACH \$100 ASSESSED VALUATION OF REAL AND PERSONAL PROPERTY.*

4. THE PROCEEDS OF A MAXIMUM SPECIAL TAX OF 30 CENTS ON EACH \$100 ASSESSED VALUATION OF PROPERTY AND 90 CENTS ON EACH POLL WHICH MAY BE LEVIED BY A MAJORITY VOTE OF THE QUALIFIED VOTERS OF ANY INCORPORATED TOWN OR SCHOOL DISTRICT.

5. THE PROCEEDS OF A MAXIMUM TOWNSHIP HIGH SCHOOL TAX OF 30 CENTS ON EACH \$100 ASSESSED VALUATION OF PROPERTY AND 90 CENTS ON EACH POLL WHICH MAY BE LEVIED BY A MAJORITY VOTE OF THE QUALIFIED VOTERS OF ANY TOWNSHIP.

6. THE PROCEEDS OF SUCH SPECIAL SCHOOL TAX AS ANY TOWN OR CITY BY ITS CHARTER OR BY A SPECIAL ACT OF THE GENERAL ASSEMBLY MAY ACQUIRE THE RIGHT TO LEVY BY THE APPROVAL OF A MAJORITY OF ITS QUALIFIED VOTERS.

THE APPORTIONMENT OF THE PROCEEDS OF THE STATE FUNDS AND THOSE INCLUDED IN 1-3 ABOVE IS CONTROLLED BY THE COUNTY BOARDS OF EDUCATION, ACCORDING TO SECTION 4116, BELOW; ALL OTHER SCHOOL FUNDS ARE ENTIRELY UNDER THE CONTROL OF THE LOCAL SCHOOL COMMITTEES OR BOARDS OF EDUCATION.

4107. COUNTY EDUCATIONAL FUND FOR FREE PUBLIC SCHOOLS. All moneys, stocks, bonds and other property belonging to a county school fund; also the net proceeds from sales of estrays; also the clear proceeds of all penalties and forfeitures, and of all fines collected in the several counties for any breach of the penal or military laws of the State, and all moneys which shall be paid by persons as equivalent for exemption from military duties; also the net proceeds of any tax imposed on licenses to retailers of wines, cordials or spirituous liquors, and to auctioneers, shall belong to and remain in the several counties and shall be faithfully appropriated for establishing and maintaining free public schools in the several counties as established in pursuance of the Constitution. The amount collected in each county shall be reported annually to the State Superintendent of Public Instruction.

Const., Art. IX, s. 5; 1901, c. 4, s. 5.

4108. COUNTY OFFICERS FILE LIST OF FINES AND PENALTIES WITH COUNTY BOARDS OF EDUCATION. The clerks of all State and municipal courts, justices of the peace, and the clerks or other officials having in custody the records of any city or town in the State shall furnish to the county board of education of their respective counties, on the first Monday of July and January of each year, a detailed statement of fines, forfeitures and penalties which go to the school fund, that have been imposed or which have accrued, this information to be furnished on blanks prepared by the State Department of Public Instruction.

1901, c. 4, s. 62; 1913, c. 149.

4109. TAX LISTS TO HAVE SEPARATE COLUMNS FOR SCHOOL TAXES. The Auditor shall include on the form which he furnishes to the board of county commissioners, and on which the tax lists are to be made out, separate

* Revisal 1905, secs. 5109 and 5110; Constitution, Art. V, secs. 1 and 2; 1911, c. 46.

columns for school poll tax and school property tax and for special county and district taxes on property and polls. In one of these columns shall be written the total poll tax levied by the State and by the county authorities for schools and due by the taxpayer. In the other column shall be written the total property tax levied by the State and by the county authorities and due by the taxpayer.

1901, c. 4, s. 60.

4110. REGISTER OF DEEDS TO FURNISH ABSTRACTS OF TAX LISTS TO COUNTY BOARD. The register of deeds shall furnish to the county board of education, as soon as the tax lists are made out, an abstract of such lists, showing in separate columns the total amount of poll tax on such lists, and also the total amount of property tax thereon, and also in another column the amount of special county and district poll taxes, and in a separate column the amount of special county and district property taxes; and shall furnish such other information from his office as the county board of education may require.

1901, c. 4, s. 61.

4111. SHERIFF'S LIABILITY, CIVIL AND CRIMINAL, FOR FAILURE TO SETTLE SCHOOL TAX. The sheriff of each county shall pay annually in money to the treasurer of the county school fund, on or before the thirty-first day of December of each year, the whole amount for school purposes collected by both State and county, less his lawful commission for collecting the same, and such sum as may be allowed on account of insolvents for the current year, and on failing to do so shall be liable to an action on his official bond for his default in such sum as will cover such default, such action to be brought to the next ensuing term of the Superior Court in the name of the State upon the relation of the board of county commissioners. In making settlement with the treasurer the sheriff or tax collector shall make separate account of insolvents and delinquents allowed, whether on property or capitation tax. The county superintendent shall make copies of the fines and penalties reported by justices of the peace and reported to clerk of Superior Court, and file the same with the county board.

Code, s. 723; 1901, c. 4, s. 54; 1905, c. 533, s. 20.

4112 (SUBSTITUTE FOR). On or before the first Monday in June of each and every year the county board of education of each county shall ascertain the amount of money needed to maintain the public schools of such county for four months during the succeeding school year. The county board of education, using as a basis the receipts for school purposes during the current school year ending June thirtieth thereafter, shall ascertain the amount that will be available for school purposes from the general school tax, from fines, forfeitures, and penalties, and from the annual per capita appropriation to the county from the special State appropriation for public schools under this act. If the amount received and to be received from these sources is less than the amount ascertained to be needed for a full four months school term in every public school district of the county, said county board of education shall submit to the board of county commissioners of said county an itemized statement of the amounts needed for supervision, for administration, for buildings and repairs, for salaries of teachers, and for all other expenses allowed by law. The statement shall also set forth the number of teachers, white and colored, to be employed in each district, and the salary of each teacher in each district. The limitation placed by law on each of these objects shall not be exceeded. It shall thereupon be the duty of the

board of county commissioners to levy a special tax on all property, real and personal, and on all taxable polls, subject to the constitutional limitation as to poll tax, in said county sufficient to supply the deficiency needed for the support and maintenance of the public schools of said county for four months in each school district: *Provided*, that no county shall be compelled to levy a special tax of more than fifteen cents on every hundred dollars value of property, real and personal, and forty-five cents on every taxable poll for said purpose. The said tax shall be levied and collected at the same time and in the same manner as other county taxes are levied and collected, and the funds derived therefrom shall be apportioned and expended by the county board of education for maintaining one or more public schools in each school district for a term of four months in each year. In the event of a disagreement between the county board of education and the board of county commissioners as to the amount of the deficiency to be supplied for a four months school, and as to the rate of tax to be levied therefor, or of the refusal of any board of county commissioners to levy said tax, the county board of education shall bring an action in the nature of mandamus against the board of county commissioners to compel the levying of such special tax in the manner and form as provided in sections eight hundred and twenty-two and eight hundred and twenty-four of the Revisal of one thousand nine hundred and five of North Carolina, and it shall be the duty of the judge hearing the same to find the facts as to the amount needed and the amount available from the sources herein specified, which finding shall be conclusive, and to give judgment requiring the county commissioners to levy the sum which he shall find necessary to maintain the schools for four months in said county. No county shall receive any part of the State Equalizing School Fund provided by this act until it shall have levied the special tax herein required of it for a four months school term in every school district.

1913, c. 33, s. 8.

4113. SPECIAL TAX MAY BE VOTED FOR TOWNSHIP HIGH SCHOOLS. In any township, upon petition of one-fourth of the freeholders of the township, approved by the county board of education, the board of county commissioners, after thirty days notice at the courthouse door and three public places in the township, shall hold an election to ascertain the will of the people within the township whether there shall be levied in said township a special annual tax of not less than ten cents nor more than thirty cents on the one hundred dollars valuation of property and not less than thirty cents nor more than ninety cents on each poll, in addition to all other taxes levied for all other purposes, to be used for the establishment of a central high school or high schools in said township, in case such special tax is voted. The board of county commissioners shall appoint a registrar and order a new registration for said township, and said election shall be held in the said township under the law governing general elections, as nearly as may be, and the expenses of such election shall be paid out of the general county school fund. At said election those who are in favor of the levy and collection of said tax shall vote a ticket on which shall be printed or written the words "For High School Tax," and those who are opposed shall vote a ticket on which shall be printed or written the words "Against High School Tax." In case a majority of the qualified voters at said election are in favor of said tax, then so much of the tax on property and polls herein provided for as in

the judgment of the committee may be necessary shall be annually levied and collected in the manner prescribed for the levy and collection of other taxes. All moneys levied under the provisions of this section shall, upon collection, be placed by the treasurer of the county school fund to the credit of the township high school committee, composed of three members, appointed by the county board of education, and shall be expended exclusively by said committee in establishing and maintaining one or more high schools in said township, under such rules and regulations as to its conduct and such course or courses of study as shall be prescribed by the State Superintendent of Public Instruction. The powers, duties and qualifications of the committeemen provided for in this section shall be similar to those of other school committeemen, and they shall have the same power to apportion the funds so raised as is conferred upon the county board of education for apportionment of the general fund among the schools of the township. And the provisions of this section shall not be so construed as to prevent the teaching of the elementary branches in such high schools as may be established, nor so construed as to prevent the county board of education from making such apportionment of public school funds to such high schools as they may deem equitable and just: *Provided*, that township high schools may also be established without the levying of a special high school township tax, where the public funds are sufficient for that purpose, under such rules and regulations as to organization and course of study as the State Superintendent of Public Instruction shall prescribe: *Provided, further*, that high school subjects may be taught in all public schools employing more than one teacher, according to such rules and regulations as to organization and course of study as shall be prescribed by the State Superintendent of Public Instruction, where the public funds are sufficient to provide for such teaching; but the high school branches taught in such schools shall not interfere with the thorough teaching of the elementary branches.

1905, c. 533, s. 13.

4114. SPECIAL TAX MAY BE VOTED IN CITIES AND TOWNS. In every incorporated city or town in which there is not now levied a special tax for schools, upon a petition signed by one-fourth of the freeholders therein, the board of aldermen or town commissioners of said city or town shall, at the date of municipal or general election next ensuing, upon the presentation of said petition, order an election to be held to ascertain the will of the people whether there shall be levied in such city or town a special annual tax of not more than thirty cents on the one hundred dollars valuation of property and ninety cents on the poll to supplement the public school fund in such city or town. Said election shall be held in the different election precincts or wards under the law governing municipal or general elections in said cities or towns. At said election those who are in favor of the levy and collection of said tax shall vote a ticket on which shall be printed or written the words "For Special Tax," and those who are opposed shall vote a ticket on which shall be printed or written the words "Against Special Tax." In case a majority of the qualified voters at said election is in favor of said tax, the same shall be annually levied and collected in such town or city in the manner prescribed for the levy and collection of other city taxes. All moneys levied under the provisions of this section shall, upon collection, be placed to the credit of the town school committee, composed of not less than five nor more than seven members, appointed by the board of aldermen for

said city or town, and shall be by said committee expended exclusively upon the public schools in said city or town; and there shall be but one school district in the said city or town, in which there may be established one or more schools for each race, and the school committee shall apportion the money among said schools in such manner as in their judgment will equalize school facilities.

1901, c. 4, s. 71.

4115. SPECIAL TAX MAY BE VOTED IN SPECIAL SCHOOL DISTRICTS. Special school tax districts may be formed by the county board of education in any county, without regard to township lines, under the following conditions: Upon a petition of one-fourth of the freeholders within the proposed special school district, in whose names real estate in such district is listed in the tax lists of the current fiscal year, endorsed by the county board of education, the board of county commissioners, after thirty days notice at the courthouse door and three public places in the proposed district, shall hold an election to ascertain the will of the people within the proposed special school district whether there shall be levied in such district a special annual tax of not more than thirty cents on the one hundred dollars valuation of property and ninety cents on the poll to supplement the public school fund which may be apportioned to such district by the county board of education in case such special tax is voted. The board of county commissioners shall appoint a registrar and two pollholders, and shall designate a polling place and order a new registration for such district, and the election shall be held in the district under the law governing general elections, as near as may be, and the registrar and pollholders shall canvass the vote cast and declare the result, and shall duly certify the returns to the board of county commissioners, and the same shall be recorded in the records of said board of commissioners: *Provided*, the expense of holding said election shall be paid out of the general school fund of the county. At such election those who are in favor of the levy and collection of the tax shall vote a ticket on which shall be printed or written the words "For Special Tax," and those who are opposed shall vote a ticket on which shall be printed or written the words "Against Special Tax." In case a majority of the qualified voters at the election is in favor of the tax, the same shall be annually levied and collected in the manner prescribed for the levy and collection of other taxes. All moneys levied under the provisions of this section shall, upon collection, be placed to the credit of the school committee in such district, which committee shall be appointed by the county board of education, and such school committee shall apportion the money among the schools in such district in such manner as in its judgment shall equalize school facilities. Upon the written request of a majority of the committee or trustees of any special tax district, the county board of education may enlarge the boundaries of any special tax district established under this section, or by special act or charter of the General Assembly of North Carolina, so as to include any contiguous territory, and an election in such new territory may be ordered and held in the same manner as prescribed in this section for elections in special tax districts; and in case a majority of the qualified voters in such new territory shall vote at such election in favor of a special tax of the same rate as that voted and levied in the special tax district to which said territory is contiguous, then the new territory shall be added to and become a part of the said special tax district; and in case a majority of the qualified voters

at such election shall vote against said tax, the district shall not be enlarged. Upon petition of two-thirds of the qualified voters residing in any special tax district established under this section, endorsed and approved by the county board of education, the board of county commissioners shall order another election in said district for submitting the question of revoking said tax and abolishing said district, to be held under the provisions prescribed in this section for holding other elections: *Provided*, that no election for revoking a special tax in any special tax district shall be ordered and held in said district within less than two years from the date of the election at which the tax was voted and the district established, nor at any time within less than two years after the date of the last election on said question in said district; and no petition revoking such tax shall be approved by the county board of education oftener than once in two years, and if at such election a majority of the qualified voters in said district shall vote "Against Special Tax," said tax shall be deemed revoked and shall not be levied, and said district shall be discontinued: *Provided, further*, that the provisions for ordering a new election to revoke a special tax in any special tax district shall not apply to elections in such districts for increasing or restoring the special tax levy in such district, which elections may be ordered and held at any time in accordance with the provisions of this section for establishing new special tax districts. *Special tax districts may be formed as provided herein out of portions of contiguous counties. The petition for such a district must be endorsed by the boards of education of both counties. The registrar and one poll holder shall be appointed by the board of commissioners of the county in which the larger number of petitioners reside, and one poll holder must be appointed by the board of commissioners of the other county. All the provisions of section four thousand one hundred and twenty-nine in regard to districts in contiguous counties shall be applicable as far as may be to the establishment of special tax districts out of portions of contiguous counties herein provided.*

1901, c. 4, s. 72; 1903, c. 435, s. 24; 1905, c. 533, s. 14; 1909, c. 525; 1911, c. 135; 1915, c. 236.

4116. (SUBSTITUTE FOR). APPORTIONMENT OF SCHOOL FUNDS; RESERVATION OF CONTINGENT FUND. The county board of education shall, on the first Monday in January and the first Monday in July of each year, apportion the school fund of the county to the various school districts; but it shall, before apportioning the school fund, reserve as a contingent fund an amount sufficient to pay the salary of the county superintendent and per diem and expense of the county board of education; and may further reserve as a fund for building and repairing schoolhouses and for equipment, in counties with a total school fund of five thousand dollars or less, not more than twenty per centum thereof; in counties with a total school fund of over five thousand dollars and not more than ten thousand dollars, not more than sixteen per centum thereof; in counties with a total school fund of over ten thousand dollars and not more than twenty-five thousand dollars, not more than ten per centum thereof; in counties with a total school fund of over twenty-five thousand dollars, not more than seven and a half per centum thereof, to be used as directed in section four thousand one hundred and twenty-four. It shall be the duty of the county board of education to distribute and apportion the school money so as to give to each school in the county for each race the same length of school term, as nearly as may be, each year. In making the apportionment the board shall have proper regard for the grade of work to

be done and the qualifications of the teachers required in each school for each race. As soon as the apportionments are made it shall be the duty of the board to notify the school committeemen and the treasurer of the county school fund of the amount apportioned to each school, designating each school by number, and stating whether for white, colored or Indian, and naming the township and county. Funds unused by any district during any year shall, if still unused at the January meeting subsequent to the close of the school year, be returned to the general school fund for reapportionment, unless such district shall have been prevented from using such funds during that year by providential or other unavoidable causes.

Provided, that in the discretion of the county board of education it may also reserve sufficient funds, after first providing for a six months school term in every school district, to pay a part of the cost, not to exceed one-half, necessary to employ a capable physician for his entire time as county health officer whose election meets with the approval of said board and whose duties shall be specified by the county board of health to embrace those provided for in that part of section eleven, chapter sixty-two, of the public health laws of one thousand nine hundred and eleven, relating to the medical inspection of schools and school children; and he shall lecture to the teachers in their meetings and supply them with printed instructions regarding measures for the proper care of the body, the recognition and prevention of disease, the recognition, prevention and correction of physical defects, etc.; and he shall keep an accurate daily record of the work he does under the provisions of this act and make weekly, monthly or quarterly reports giving such information as may be called for by blanks to be furnished by and returned to both the county board of education and the State Superintendent of Public Instruction; and if the county health officer should neglect for a period of ninety days to carry out the spirit of this act, unless his entire time should be required to fight an epidemic of some contagious or infectious disease, the county board of education may in its discretion withdraw its financial aid in his employment. *Provided, further, that the county board of education may reserve as a further contingent fund a sufficient amount to pay the salary of an assistant superintendent, and to defray such other supervisory and administrative expenses as it may deem necessary, but the funds set aside for these purposes shall not operate to increase the amount to which said county would have been entitled from the State Equalizing Fund if said funds had not been set aside, and the same shall be included in the necessary expenses for a four months school term for which a special tax, if necessary, must be levied under chapter thirty-three of the public laws of one thousand nine hundred and thirteen.*

1913, c. 149; 1915, c. 236.

SUGGESTIONS ON APPORTIONING SCHOOL FUND.

1. Determine first of all what the total school fund is, including the county's per capita apportionment from the State appropriation of \$250,000.
2. Next reserve the contingent fund to pay the salary and expenses of the county superintendent, and the mileage, per diem and expenses of the county board, and the expenses of the county institute.
3. Reserve, if necessary, what may be needed for building, observing that the amount for this purpose is limited according to the amount of the total fund.

4. After fixing the monthly salary of each teacher of each school of each race and the allowance to each school for incidental expenses, apportion the balance so as to give the same length of school term to each school of each race or as nearly as may be.

5. Having ascertained the balance available for apportionment for teachers' salaries and incidental expenses, proceed as follows to ascertain the amount to be apportioned to each district for each race to secure the same length of school term in each as required by law:

(a) Ascertain the aggregate monthly salaries of all teachers, white and colored, as fixed, and the aggregate monthly allowance for incidental expenses for all schools of the county.

(b) These two amounts added will give the total cost per month of all schools.

(c) Divide the balance available for apportionment by this sum, and it will give the length of the term in months of each school.

(d) Multiply the monthly expense of each district for salary of teacher or teachers and incidental expenses by the quotient so obtained and the product will be the amount to be apportioned to each district.

4117. APPORTIONMENT, BASIS OF. The semi-annual apportionment of public school money shall be based upon the amounts actually received by the county treasurer from all sources and reported by him to the county board of education, as required by this chapter.

1901, c. 4, s. 25.

4118. FISCAL SCHOOL YEAR. The fiscal school year shall begin on the first day of July and close on the thirtieth day of June next succeeding.

1901, c. 4, s. 67.

VIII. THE POWERS AND DUTIES OF THE COUNTY BOARD OF EDUCATION

Summary.—THE COUNTY BOARD IS COMPOSED OF THREE MEMBERS APPOINTED BY THE GENERAL ASSEMBLY.* CORPORATE POWERS AS TO ACQUIRING, HOLDING AND DISPOSING OF SCHOOL PROPERTY ARE CONFERRED ON THIS BOARD, AND IT HAS ADDITIONAL POWER TO MAKE REGULATIONS GOVERNING THE ATTENDANCE OF PUPILS ON THE SCHOOLS AND OF TEACHERS ON EDUCATIONAL MEETINGS. THIS BOARD ALSO CONTROLS THE TIME THE SCHOOLS MAY BE IN SESSION, THE BUILDING AND REPAIR OF ALL SCHOOLHOUSES, AND MAY CREATE OR ABOLISH OR CONSOLIDATE SCHOOL DISTRICTS. IN ADDITION TO THE EXERCISE OF THE USUAL CORPORATE POWERS, THIS BOARD MAY CONDEMN LAND FOR SCHOOL SITES AND MAY PUNISH FOR CONTEMPT. ALL NECESSARY POWER TO ENFORCE THE SCHOOL LAW IS CONFERRED ON THIS BOARD, WITH EXPLICIT POWER TO REMOVE THE COUNTY SUPERINTENDENT UNON THE COMPLAINT OF THE STATE SUPERINTENDENT, AND TO REMOVE ANY TEACHER FOR IMMORAL CONDUCT.

4119. ELECTION OF; VACANCIES IN, HOW FILLED. The General Assembly of one thousand nine hundred and nine shall appoint three men in each county, who shall constitute the county board of education—one for a term of office of two years, one for a term of office of four years and one for a term of office of six years. The term of office of each shall begin on the first Monday in July next succeeding his appointment. Each succeeding General Assembly,

* Under special acts of the General Assembly the county boards of education are elected by popular vote in the counties of Buncombe, Cleveland, Edgecombe, Rutherford, Iredell, and Mecklenburg.

at its regular session, shall appoint one member of the county board of education in place of the member whose term of office expires on the first Monday in July next succeeding that meeting of the General Assembly, and his term of office shall continue for six years from the first Monday in July next succeeding his appointment and until his successor is duly appointed and qualified: *Provided*, that the provisions of this section shall not apply to those counties in which the county boards of education were, at the general election of nineteen hundred and eight, elected by a vote of the people. No person shall be eligible as a member of the county board of education who is not known to be a man of intelligence, of good moral character, of good business qualifications, and heartily in favor of public education. In case of a vacancy in the county board of education, by death, resignation, or otherwise, such vacancy shall be filled by the remaining members of such county board until the next General Assembly meets and acts: *Provided*, that this act shall not apply to vacancies heretofore filled under this section; but if such vacancy should remain unfilled for thirty days after it occurs, it shall be filled by the State Board of Education. Upon failure of the General Assembly to appoint one or more members of the county board of education for any county as herein provided, such failure shall constitute a vacancy, which shall be filled by the State Board of Education: *Provided*, that no person, while actually engaged in teaching in the public schools, shall be eligible as a member of the county board of education.

1901, c. 4, s. 12; 1903, c. 269, c. 439, s. 3; 1905, c. 533; s. 3; 1909, c. 435; 1913, c. 149.

4120. QUALIFICATION OF MEMBERS; FAILURE TO QUALIFY; VACANCY. Those persons who shall be appointed members of the county board of education by the General Assembly must qualify by taking the oath of office on or before the first Monday in July next succeeding their appointment. A failure to qualify within that time shall constitute a vacancy, which shall be filled by the State Board of Education. Those persons who shall be elected or appointed to fill a vacancy must qualify within thirty days after notification thereof. A failure to qualify within that time shall constitute a vacancy, to be filled by the board which made such election or appointment.

4121. INCORPORATED; POWERS AND DUTIES OF. The county board of education shall be a body corporate by the name and style of the County Board of Education of.....County, and by that name shall be capable of purchasing and holding real and personal estate, of building and repairing schoolhouses, of selling and transferring the same for school purposes, and of prosecuting and defending suits for or against the corporation. It shall have power and authority, and it shall be its duty, to institute and prosecute any and all actions, suits or proceedings against any and all officers, persons or corporations, or their sureties, for the recovery, preservation and application of all moneys or property which may be due to or should be applied to the support and maintenance of the schools, except in case of a breach of his bond by the treasurer of the county school fund, in which case action shall be brought by the county commissioners as is hereinafter provided.

1901, c. 4, s. 13; 1903, c. 435, s. 4.

4122. RULES AND REGULATIONS FOR SCHOOLS, TEACHERS AND PUPILS. The county board of education shall have power and authority to fix and determine the method of conducting the public schools in their respective counties, so as to furnish the most advantageous method of education available to the

children attending the public schools in the several counties of the State; and such board and the county superintendent of public instruction shall have full power to make all just and needful rules and regulations governing the conduct of teachers and pupils as to attendance on the schools, discipline, tardiness, and the general government of the schools.

1903, c. 435, s. 4.

[Under the provisions of this section the county board and the county superintendent may make and enforce such attendance regulations as may be necessary to secure regular and prompt attendance on the part of the children. The same authority may also regulate the attendance of teachers on all meetings which may be thought to promote educational progress.]

4123. TIME OF OPENING AND CLOSING SCHOOLS. The time of opening and closing the public schools in the several public school districts of the State shall be fixed and determined by the county board of education in their respective counties. The board may fix different dates for opening the schools in different townships, but all the schools of each township must open on the same date, as nearly as practicable.

1903, c. 435, s. 4.

[This section simply means that the school term must not be divided and taught during different seasons of the year unless some epidemic or other providential cause interferes with the regular term. The county board must exercise this control if it would carry out the provisions of section 4116.]

4124. SCHOOLHOUSES, BUILDING AND APPROVAL OF; CONTRACTS FOR. The building of all new schoolhouses shall be under the control and direction of and by contract with the county board of education. The board shall pay not exceeding one-half of the cost of the same out of the fund set aside for building, under section four thousand one hundred and sixteen, and the school district in which any schoolhouse is erected shall pay the other part, and upon failure of such district to provide its part by private subscription, or otherwise, the board is directed to take it out of the apportionment to that district; but the board shall not be authorized to invest any money in any new house that is not built in accordance with plans approved by the State Superintendent of Public Instruction. All contracts for buildings shall be in writing, and all buildings shall be inspected, received and approved by the county superintendent of public instruction before full payment is made therefor.

1903, c. 435, s. 4

[This means that the county board, out of the building fund which it may reserve by the provisions of section 4116, shall pay not exceeding one-half the cost of building any new schoolhouse, the other part of the expense to be borne by the district; but the board has complete control of the whole subject, and may forbid the erection of a schoolhouse in a district which ought not to exist. It must be remembered that no house can be built except in accordance with plans approved by the State Superintendent, and the county board is charged with the duty of carrying into effect this provision to secure neat, comfortable and attractive houses. Pamphlets containing plans of such houses as will be approved by the State Superintendent, together with specifications, estimates of cost and bills for material, will be furnished by the State Superintendent on application.]

4125. POWER OF, TO EXECUTE SCHOOL LAW. In addition to all other duties and powers imposed and conferred upon it by law, the county board of

education shall have general control and supervision of all matters pertaining to the public schools in their respective counties, and are given the powers to execute and are charged with the due execution of the school laws in their respective counties; and all powers and duties conferred and imposed by this chapter and other laws of the State respecting public schools which are not expressly conferred and imposed upon some other official are conferred and imposed upon the county boards of education, and an appeal shall lie from all other county school officers to such board. *In all actions brought in any court against a county board of education for the purpose of compelling the board to admit any child or children who have been excluded from any school by the order of the county board of education, the order or action of the board shall be presumed to be correct, and the burden of proof shall be on the complaining party to show to the contrary.*

1901, c. 4, s. 14; 1915, c. 236.

4126. REMOVAL OF COUNTY SUPERINTENDENT, MEMBERS OF COUNTY BOARD AND SCHOOL COMMITTEEMEN. In case the State Superintendent shall have sufficient evidence at any time that any county superintendent of public instruction or any member of the county board of education is not capable of discharging or is not discharging the duties of his office, as required by this chapter, or is guilty of immoral or disreputable conduct, he shall report the matter to the county board of education, which shall hear evidence in the case; and if, after careful investigation, it shall find sufficient cause for his removal, it shall declare the office vacant at once and proceed to elect his successor. Either party may appeal from the decision of the county board of education to the State Board of Education, which shall have full power to investigate and review the decisions of the county board of education. This section shall not deprive any county superintendent of the right to try his title to his office in the courts of the State. In case the county superintendent shall have sufficient evidence at any time that any member of any school committee is not capable of discharging or is not discharging the duties of his office, he shall bring the matter to the attention of the county board of education, which shall thoroughly investigate the charges, and shall remove such committeeman and appoint a successor, if sufficient evidence shall be produced to warrant his removal and the best interests of the schools demand it.

1901, c. 4, ss. 10, 42.

4127. MAY HOLD INVESTIGATIONS; ISSUE SUBPOENAS; SERVICE OF SAME; APPEAL TO SUPERIOR COURT. The county board of education shall have power to investigate and pass upon the moral character of any teacher in the public schools of the county, and to dismiss such teacher if found of bad moral character; also to investigate and pass upon the moral character of any applicant for a teacher's certificate or for employment as teacher in any public school in the county. Such investigation shall be made, after written notice of not less than ten days, to the person whose character is to be investigated. The board shall have power to issue subpoenas for the attendance of witnesses. Subpoenas may be issued in any and all matters which may lawfully come within the powers of the board and which in the discretion of the board require investigation; and it shall be the duty of the sheriffs, coroners and constables to serve such subpoenas upon payment of their lawful fees. Appeals provided for in this chapter shall be regulated by rules to be adopted by the board. The Superior Courts of the State may review any

action of the county board of education affecting any one's character or right to teach.

1901, c. 4, s. 15.

4128. **POWER TO PUNISH FOR CONTEMPT.** The county board of education of each county shall have power to punish for contempt for any disorderly conduct or disturbance tending to interrupt it in the transaction of official business.

1901, c. 4, s. 28.

4129. **SCHOOL DISTRICTS, HOW FORMED.** The county board of education shall divide the townships into convenient school districts, as compact in form as practicable. It shall consult the convenience and necessities of each race in setting the boundaries of the school district for each race, and shall establish no new school in any township within less than three miles by the nearest traveled route of some school already established in said township, nor shall it create any school district with less than sixty-five children of school age, unless such district shall contain at least twelve square miles or shall be separated by dangerous natural barriers from a schoolhouse in the district of which the proposed new district is a part. Nothing in this chapter shall prevent the board, whenever it shall deem it necessary for the good of the public schools, from forming a school district out of portions of two or more contiguous townships. School districts may be formed out of portions of contiguous counties by agreement and consent of the county boards of education of the two counties, and in case of the formation of such districts the per capita part of the public school money due the children residing in one county shall be apportioned by the county board of education of that county and paid to the treasurer of the other county in which the schoolhouse is located, to be placed to the credit of the school district so formed.

The county board of education of any county is authorized and empowered to change the boundary lines between local tax school districts in said county upon satisfactory evidence furnished to said board that the convenience and best interests of the residents of the districts require such change: *Provided*, that this authority to change boundaries between local tax districts shall not have the effect of releasing any taxpayer from the obligation of paying his school taxes, but shall be exercised only for transferring said taxpayer and his property from one local tax district to another in which the same rate of special taxation for schools is levied.

Upon the consolidation of two or more school districts into one by the county board of education, the said county board of education is authorized and empowered to make provision for the transportation of pupils in said consolidated district that reside too far from the schoolhouse to attend without transportation, and to pay for the same out of the apportionment to said consolidated districts: *Provided*, that the daily cost of transportation per pupil shall not exceed the daily cost per pupil of providing a separate school in a separate district for said pupils.

1901, c. 4, s. 29; 1903, c. 435, s. 12; 1905, c. 533, s. 7; 1909, c. 856; 1911, c. 135.

4130. **MAY ACCEPT DONATIONS; MAY SELL SCHOOL PROPERTY.** The county board of education may receive any gift, grant, donation, or devise made for the use of any school within its jurisdiction. When in the opinion of the board any schoolhouse, schoolhouse site or other public school property has become unnecessary for public purposes, it may sell the same at public auction, after advertisement of twenty days at three public places in the county,

or at private sale. The deed for the property thus sold shall be executed by the chairman and secretary of the board, and the proceeds of the sale shall be paid to the treasurer of the county school fund.

1901, c. 4, ss. 30, 36.

4131. (SUBSTITUTE FOR.) SCHOOL SITES MAY BE ACQUIRED BY GIFT, PURCHASE OR CONDEMNATION. The county board of education or the board of trustees of any incorporated or chartered graded school district may receive suitable sites for schoolhouses or school buildings by donation or purchase. In case of purchase, the county board of education or any board of trustees aforesaid, shall issue an order on its treasurer for the purchase money, and upon payment of the order the title to the site shall vest in the corporation in fee simple. Whenever the boards above mentioned are unable to obtain a suitable site for a school or school building by gift or purchase, such board shall report to the county superintendent of public instruction, who shall, upon five days notice to the owner or owners of the land, apply to the clerk of the Superior Court of the county in which the land is situated for the appointment of three appraisers, who shall lay off by metes and bounds not more than two acres and assess the value thereof. The same means may be used to obtain more land in a district where there is a house or a site previously obtained, but not more than three acres shall be procured, including the site already obtained. They shall make a written report of their proceedings, to be signed by them, or by a majority of them, to the clerk within five days from their appointment, who shall enter the same upon records of the court. The appraisers and officers shall serve without compensation. If the report is confirmed by the clerk, the chairman and the secretary of the board shall issue an order on the treasurer of the county school fund, or, if a graded school district, upon the treasurer of the graded school district, in favor of the owner of the land thus laid off, and upon the payment or offer of payment of this order the title to such land shall vest in fee simple in the corporation. Any person aggrieved by the action of the appraisers may appeal to the Superior Court in term, upon giving bond to secure the board against such costs as may be incurred on account of the appeal not being prosecuted with effect.

1901, c. 4, s. 31; 1903, c. 435, s. 13; 1905, c. 533, s. 8; 1911, c. 135; 1913, c. 149.

[Several acres of land ought always to be secured for the site of a rural school, if possible.]

4132. DEEDS TO BE FILED WITH CLERK; SECRETARY TO KEEP INDEX. All deeds to the county board of education shall be registered and delivered to the clerk of the Superior Court for safe keeping, and the secretary of the county board of education shall keep an index, by township and school districts, of all such deeds in a book for that purpose.

1901, c. 4, s. 32; 1903, c. 435, s. 14.

[This section requires the county superintendent to keep a convenient index of the deeds for all the school property of the county.]

4133. MEETINGS OF; DUTIES AT. The county board of education shall meet on the first Monday in January, April, July and October, and may, if necessary, continue in session two days, and it may have called meetings, of one day each, as often as once a month if the school business of the county require it. It shall, at the meetings in January, April, July and October, examine the books and vouchers and audit the accounts of the treasurer of the county school fund. The boards of education of the several counties

shall cause to be published annually on the first Monday of August in some newspaper published in the county, or at the courthouse door if there be no newspaper published therein, or in the printed annual school report of said county, an itemized statement of all receipts and expenditures of school funds.

1891, c. 460; 1901, c. 4, s. 27; 1903, c. 435, s. 26; 1905, c. 533, s. 21; 1911, c. 135; 1913, c. 149.

4134. SUPERINTENDENT AND TREASURER TO MEET WITH, IN JULY, TO SETTLE ALL BUSINESS OF FISCAL YEAR. On the first Monday in July the county board of education, county superintendent of public instruction and treasurer shall meet at the office of the board and settle all the business of the preceding fiscal year. The board shall on that day examine the reports of treasurer and county superintendent, and if found correct shall direct them to be forwarded to the State Superintendent within thirty days thereafter.

1901, c. 4, s. 59; 1903, c. 435, s. 20.

COMPENSATION OF MEMBERS OF BOARD. The members of the county board of education shall receive *three* dollars per diem and the same mileage as is allowed to the members of the board of county commissioners of their counties.

Revisal of 1905, v. 1, c. 66, s. 2786; 1915, c. 236.

IX. THE POWERS AND DUTIES OF THE COUNTY SUPERINTENDENT

Summary.—THE COUNTY SUPERINTENDENT IS ELECTED FOR A TERM OF TWO YEARS BY THE COUNTY BOARD ON THE FIRST MONDAY IN JULY. HE MUST BE A MAN OF LIBERAL EDUCATION AND OF GOOD MORAL CHARACTER, AND MUST ALSO BE A PRACTICAL TEACHER OR HAVE HAD TWO YEARS EXPERIENCE IN TEACHING OR SUPERVISING SCHOOLS WITHIN FIVE YEARS IMMEDIATELY PRECEDING HIS ELECTION. DURING THE PUBLIC SCHOOL TERM HE MUST VISIT THE PUBLIC SCHOOLS, AND HE CAN NOT ENGAGE IN SCHOOL WORK WHICH WILL NULLIFY THIS REQUIREMENT. THE COUNTY SUPERINTENDENT IS SECRETARY OF THE COUNTY BOARD, AND MUST HAVE HIS OFFICE AT THE COUNTY SEAT. HE IS REQUIRED TO HOLD TOWNSHIP TEACHERS' MEETINGS, SUPERVISE THE WORK OF THE TEACHERS, ATTEND THE STATE ASSOCIATION OF COUNTY SUPERINTENDENTS, MUST INSTRUCT COMMITTEEMEN AS TO THEIR DUTIES, MUST DISTRIBUTE THE BLANK FORMS FURNISHED HIM BY THE STATE SUPERINTENDENT, MUST MAKE REPORTS TO THE STATE SUPERINTENDENT, AND HE MUST FURNISH STATISTICS AS TO THE NUMBER OF DEAF AND DUMB AND BLIND CHILDREN IN HIS COUNTY. IF THE COUNTY SCHOOL FUND EXCEEDS \$15,000 ANNUALLY, HE MAY BE PAID SUCH SALARY AS THE COUNTY BOARD MAY FIX; OTHERWISE, HIS SALARY MAY BE FIXED AT FOUR PER CENT OF THE DISBURSEMENTS OF THE SCHOOL FUND, OR IT MAY BE FIXED AT NOT LESS THAN \$3 A DAY, FOR THE TIME ACTUALLY EMPLOYED. NO VOUCHER IN THE HANDS OF THE TREASURER OF THE SCHOOL FUND IS A VALID VOUCHER UNLESS SIGNED BY THE COUNTY SUPERINTENDENT. UNDER CERTAIN CONDITIONS, THE COUNTY SUPERINTENDENT HAS CHARGE OF THE EXAMINATION AND CERTIFICATION OF TEACHERS. UNDER SECTION 4161, HE MUST MEET WITH COMMITTEEMEN FOR ELECTION OF TEACHERS, AND SUCH ELECTION MUST HAVE HIS APPROVAL.

4135. ELECTION, QUALIFICATION AND TERM OF OFFICE; VACANCY. The county board of education, on the first Monday in July, one thousand nine hundred and five, and biennially thereafter, shall elect a county superintendent of public instruction, who shall be at the time of his election a practical teacher, or who shall have had at least two years' experience in teaching or super-

vising schools within five years immediately preceding his election, and who also shall be a man of liberal education, and shall otherwise be qualified to discharge the duties of his office as required by law, due regard being given to experience in teaching. Such superintendent must be of good moral character, and shall hold his office for a term of two years from the date of his election and until his successor is elected and qualified. Any person who has filled the office of county superintendent for four years next preceding the eleventh day of March, one thousand nine hundred and one, shall be eligible to such office in Bertie and Bladen and Columbus counties, if the election of such person meets the approval of the State Board of Education. In case of vacancy, by death, resignation or otherwise, in the office of county superintendent, such vacancy shall be filled by the county board of education: *Provided*, that any county whose total school fund does not exceed fifteen thousand dollars may unite with any adjoining county and by agreement between the county boards of education of two counties, meeting in joint session, may employ a county superintendent who shall devote his entire time to supervising impartially the educational work of the counties thus employing him. The agreement between the two county boards thus jointly employing one county superintendent, as to the apportionment of his salary and expenses, the division of his time and all other essential details, shall be recorded in the minutes of the board of education of each county.

The county superintendent of public instruction shall have authority to administer oaths to teachers and all subordinate school officials where an oath is required of the same.

1901, c. 4, s. 16; 1903, c. 435, s. 5; 1911, c. 135; 1913, c. 149.

[The county superintendent's office is the most important office in the county. He need not be a resident of the county when elected. If possible, he should be paid large enough salary to enable him to devote all his time to his work.]

4136. REPORT OF ELECTION OF, TO STATE SUPERINTENDENT. Immediately after the election of the county superintendent of public instruction the chairman of the county board of education shall report to the State Superintendent of Public Instruction the name, address, experience and qualifications of the person elected; and the person elected shall report to the State Superintendent, as soon as he shall have qualified, the date of such qualification.

1901, c. 4, s. 16; 1903, c. 435, s. 5.

4137. DISTRICTS IN CITIES AND TOWNS MAY JOINTLY EMPLOY. By and with the consent of the county board of education, the school committees of two or more contiguous districts in any city or town may, by a majority vote of the committee in each district, employ a practical teacher, who shall be known as the superintendent of the public schools of such districts, and he shall perform all the duties of the county superintendent of public instruction as to such districts, and shall make to the county superintendent all reports that may be necessary to enable him to make his reports to the State Superintendent.

1889, c. 199, s. 47; 1901, c. 4, s. 74.

4138. NOT TO TEACH SCHOOL; TO RESIDE IN THE COUNTY. Every county superintendent shall reside in the county of which he is superintendent. It shall not be lawful for any county superintendent to teach a school while the public schools of his county are in session; but the State Board of Educa-

tion may, for good and sufficient reason, permit a county superintendent to so teach.

1901, c. 4, s. 44.

4139. EX OFFICIO SECRETARY TO THE BOARD; RECORDS TO BE KEPT. The county superintendent of public instruction shall be *ex officio* the secretary of the county board of education. He shall record all proceedings of the board, issue all notices and orders that may be made by the board pertaining to the public schools, schoolhouses, sites or districts (which notices or orders it shall be the duty of the secretary to serve by mail or by personal delivery, without cost), and record all school statistics, look after all forfeitures, fines and penalties, see that the same are placed to the credit of the school fund, and report the same to the board. The board shall provide the county superintendent with an office at the county seat, in the county courthouse if possible, and with a suitable book in which to keep the records required by this section. The records of the board and the county superintendent shall be kept in the office provided for that purpose by the board.

1901, c. 4, s. 36.

[It is very important to keep full and accurate records and to look closely after the proper disposition of all fines, forfeitures and penalties. An account book will be furnished on application to the State Superintendent. The superintendent should report to the solicitor all failures to apply the moneys from fines, etc., to their proper purpose.]

4140. TO HOLD TEACHERS' MEETINGS. The county superintendent shall each year hold not less than one teachers' meeting in each township, which the teachers shall be required to attend. If necessary, one school day must be set apart for this purpose.

1901, c. 4, s. 38; 1903, c. 435, s. 17.

4141. MUST ADVISE AND MAY SUSPEND TEACHERS; MUST ATTEND STATE AND DISTRICT ASSOCIATIONS OF SUPERINTENDENTS. It shall be the duty of the county superintendent to advise with the teachers as to the best methods of instruction and school government, and to that end he shall keep himself thoroughly informed as to the progress of education in other counties, cities and States. He shall have authority to correct abuses, and to this end he may, with the concurrence of a majority of the school committee, suspend any teacher who may be guilty of any immoral or disreputable conduct or may prove himself incompetent to discharge efficiently the duties of a public school teacher or who may be persistently neglectful of such duties. The county superintendent shall be required to visit the public schools of his county while in session, and shall inform himself of the condition and needs of the various schools within his jurisdiction. Unless providentially hindered, he shall attend continuously during its session the annual meeting of the State Association of County Superintendents, and the annual meeting of the District Association of County Superintendents, and the county board of his county shall pay out of the county school fund his traveling expenses, including board, and allow him his per diem while attending such meeting; but county superintendents employed on salary shall not receive any per diem while in attendance on such meeting.

1901, c. 4, s. 39; 1903, c. 435, s. 18; 1905, c. 533, s. 10; 1911, c. 135.

[It is mandatory that the county superintendent visit the schools, and county boards of education must see that the law is properly observed.]

4142. MUST DISTRIBUTE BLANKS AND BOOKS AND ADVISE COMMITTEES. It shall be the duty of the county superintendent to distribute to the various school

committees of his county all such blanks as may be furnished by the State Superintendent of Public Instruction for reports of school statistics of the several districts; also blanks for teachers' reports and for orders on the treasurer of the county school fund for teachers' salaries. He shall also distribute to the school committees school registers for their respective districts and necessary record books; he shall advise with the committee as to the best methods of gathering the school statistics contemplated by such blanks, and by all proper means shall seek to have statistics fully and properly reported.

1901, c. 4, s. 40.

4143. MUST MAKE REPORTS TO STATE SUPERINTENDENT. It shall be the duty of each county superintendent, on or before the first Monday in July of each year, to report to the State Superintendent of Public Instruction an abstract statement of the number, grade, race and sex of the teachers examined and approved by him during the year; also the number of public schools taught in the county during the year for each race, the number of children of school age in each school district, the number enrolled in each district, the average daily attendance in each district, by race and sex, and the number of all persons in the county between the ages of twelve and twenty-one who can not read and writ. He shall also report, by race and sex, the number of pupils enrolled in all the schools, their average attendance, the average length of terms of the schools and the average salary for the teachers of each race; the number of school districts for each race, and any new school districts laid out during the year shall be specified in his report. He shall also report the number of public schoolhouses and the value of the public school property for each race, the number of teachers' institutes held, the number of teachers attending such institutes, together with such suggestions as may occur to him promotive of the school interest of the county. He shall record in his book an accurate copy of such report. If any county superintendent fail or refuse to perform any of the duties required of him by this chapter, he shall be subject to removal from his office by the county board of education upon the complaint of the State Superintendent of Public Instruction.

1901, c. 4, s. 41.

[Copies of all reports made should be recorded in the record book of the county board for future reference. It would be well to record, also, the treasurer's report.]

4144. TO REPORT AS TO DEAF AND DUMB AND BLIND CHILDREN. It shall be the duty of the county superintendent to require of the school committees, in enumerating the number of school children, to make a statement in the report of the number of deaf and dumb and blind between the ages of six and twenty-one years, designating the race and sex, and the address of the parent or guardian of such children; and the county superintendents are hereby required to furnish such information to the principals of the deaf and dumb and blind institutions; and the Superintendent of Public Instruction, in preparing blanks for reports required to be made to him, shall include questions the answers to which will furnish the information required by this section.

1901, c. 4, s. 43.

SALARY OF COUNTY SUPERINTENDENT. The salary of the county superintendent of schools shall be fixed by the county board of education. It shall not be less than three dollars per day while engaged in the service of the public schools. The county board of education may fix an annual salary not to ex-

ceed four per cent of the disbursements for schools under his supervision. The county board of education of any county whose total school fund exceeds fifteen thousand dollars may employ a county superintendent, for all of his time, at such salary as may be fixed by said board.

Revisal of 1905, v. I, c. 66, s. 2782.

X. THE POWERS AND DUTIES OF THE SCHOOL COMMITTEE

Summary.—THE SCHOOL COMMITTEE IS COMPOSED OF THREE PERSONS. ONE MEMBER IS APPOINTED BY THE COUNTY BOARD ON THE FIRST MONDAY IN JULY, EACH YEAR, FOR A TERM OF THREE YEARS. THESE MAY BE TOWNSHIP OR DISTRICT COMMITTEEMEN, AS THE COUNTY BOARD MAY DETERMINE.* EACH SCHOOL COMMITTEE MUST ELECT A CHAIRMAN AND A SECRETARY, AND KEEP AN ACCURATE RECORD OF ALL ITS PROCEEDINGS, AND CONTROL AND CARE FOR THE PUBLIC SCHOOL PROPERTY IN THE PUBLIC INTEREST. THE COMMITTEE IS ALSO CHARGED WITH TAKING THE SCHOOL CENSUS, WITH ASCERTAINING THE NUMBER OF DEAF AND DUMB AND BLIND CHILDREN, AS WELL AS THE NUMBER OF ILLITERATE CHILDREN, BETWEEN THE AGES OF TWELVE AND TWENTY-ONE, AND THE NUMBER OF ADULT ILLITERATES. THE SCHOOL COMMITTEE CAN NOT EXPEND ANY MONEY APPORTIONED FOR INCIDENTAL EXPENSES WITHOUT THE CONSENT OF THE COUNTY BOARD; AND THEY MUST KEEP AN ACCURATE RECORD OF THE EMPLOYMENT OF TEACHERS AND OF ANY SPECIAL FUNDS DISBURSED BY THEM. THEY ARE PROHIBITED FROM OVERDRAWING THE AMOUNT APPORTIONED FOR TEACHERS' SALARIES, AND FROM MAKING A CONTRACT BEYOND THEIR TERM OF OFFICE. CONTRACTS WITH PRIVATE SCHOOLS MAY BE MADE, BY WHICH THE PUBLIC SCHOOL MAY BE TAUGHT IN CONNECTION WITH SUCH SCHOOLS. NO MONEY FOR DISTRICT EXPENSES OF ANY KIND OR FOR THE SALARIES OF TEACHERS MAY BE PAID BY THE COUNTY TREASURER EXCEPT ON AN ORDER SIGNED BY A MAJORITY OF THE COMMITTEE.

4145. QUALIFICATIONS AND ELECTION OF; CARE TAKEN OF SCHOOLHOUSES. The county board of education of each county shall, on the first Monday in July, one thousand nine hundred and thirteen, appoint in each of the townships of the county three intelligent men of good business qualifications who are known to be in favor of public education, who shall serve as follows: one for three years, one for two years, and one for one year from the date of their appointment as school committeemen in their respective townships and until their successors are elected and qualified. On the first Monday in July of each succeeding year, the board of education shall appoint one member of the school committee in place of the member whose term of office has just expired, and who shall continue in office for a period of three years and until his successor is duly appointed and qualified. If a vacancy shall occur at any time, by death, resignation or otherwise, it shall be the duty of the county board of education to fill such vacancy. Such board shall have the power to pay out of the reserve school fund to each member of the township committee thus appointed one dollar per day for not more than four days per annum. Such township committee must take the census in their township by districts, and shall be paid for taking the same at the rate of two cents per name, and may be paid each one dollar per day for not exceeding four days each year for such additional services as may be rendered by the committee in the discharge of their legal duties. Every township committee shall appoint one man in each school district in the township to look after the schoolhouse and property and advise with the committee. The county board of education in each county may, if it deem best, on the first Monday in July, 1913, in-

stead of electing township committeemen, elect for each school of the several townships three school committeemen of intelligence and good business qualifications who are known to be in favor of public education, who shall serve as follows: one for three years, one for two years, and one for one year from the date of their appointment as committeemen and until their successors are appointed and qualified. And the board of education shall, on the first Monday of July of each succeeding year, appoint one member of the school committee in place of the member whose term of office has just expired and who shall continue in office for a term of three years and until his successor is duly appointed and qualified. If a vacancy should occur at any time, by death, resignation or otherwise, it shall be the duty of the county board of education to fill such vacancy; and in case such school committeemen shall be elected as above, all the powers and duties conferred under this chapter on the township committeemen shall vest in such committeemen of the several schools of the township, who shall serve without compensation.

1901, c. 4, s. 17; 1903, c. 435, s. 6; 1905, c. 533, ss. 17, 18; 1909, c. 769; 1913, c. 149.

[The committee system should be uniform; there should be only township committeemen in a county, or only district committeemen. Those counties which have adopted the township system find it much the more satisfactory. This is the experience of other States. The general adoption of the township system in this State would therefore be greatly desirable.]

4146. TO ELECT CHAIRMAN AND SECRETARY; APPEALS FROM. The school committee, as soon as practicable after their election and qualification, not to exceed twenty days, shall meet and elect from their number a chairman and secretary, and shall keep a record of their proceedings in a book to be kept for that purpose. The name and address of the chairman and secretary shall be reported to the county superintendent of public instruction and recorded by him.

1901, c. 4, s. 18.

[A record book for committeemen will be supplied by the county superintendent.]

4147. POWERS AND DUTIES AS TO SCHOOL PROPERTY. The school committee shall be entrusted with the care and custody of all schoolhouses, schoolhouse sites, grounds, books, apparatus or other public school property in the township, with full power to control the same, as they may deem best for the interest of the public schools and the cause of education.

1901, c. 4, s. 19.

4148. (SUBSTITUTE FOR.) CENSUS TO BE TAKEN; REPORTS; DEAF AND DUMB, BLIND AND ILLITERATE TO BE REPORTED. *The school committee of each township or district is hereby required to furnish annually to the county superintendent of schools a census report of all the children of school age in the township or district by name, age, sex, and race, and the names of their parents or guardians. The blanks upon which such reports are to be made shall be furnished to the various school committees by the county superintendent at least two weeks prior to the beginning of the school term in each district, and the report, duly sworn to by the person taking the census, and signed and approved by the members of the committee, shall be returned to the county superintendent on or before the first day of the school term of each school year; and any committee failing to comply with the provisions of this section, without just cause, shall be subject to removal. The school committee is authorized to designate one of the teachers, or some other com-*

petent person in each school district, to take the census. The committeemen, or other person taking the census, shall be allowed a sum not exceeding three cents per name for all names reported between the ages of six and twenty-one. The committee shall furnish to the teacher at the opening of the school a complete copy of the census furnished to the county superintendent, which shall be recorded by the teacher in the school register. The census record entered in the register shall show the name, age, and sex of each child of school age in that district, together with the names and addresses of the parents or guardians. The census report shall show also the number of children of compulsory attendance age, and the committee shall furnish the attendance officer a separate list of all children subject to compulsory attendance, containing the name, age, race, and sex of each and the names of their parents or guardians.

There shall also be reported, by race and sex, the number and names of all persons between the ages of twelve and twenty-one who cannot read and write and the number and names, by race and sex, of all persons over twenty-one years of age who cannot read and write, and the number of deaf and dumb and blind between the ages of six and twenty-one years, designating the race and sex and the address of the parents or guardians of such children.

The committee shall also report to the county superintendent, who in turn shall report to the county board of education, the number of public school-houses and the value of all public school property for each race, separately.

1901, c. 4, ss. 20, 43; 1901, c. 3, s. 1; 1903, c. 435, s. 7; 1911, c. 135; 1915, c. 236.

Section 5 of chapter 173 of the Laws of 1913, *The Compulsory Attendance Law*, requires the attendance officer when appointed under said act to perform all the duties as to the census herein required of the school committee.

4149. TO KEEP A RECORD OF RECEIPTS AND EXPENDITURES; PURCHASE SUPPLIES. The school committee for each township or district shall keep a book in which shall be recorded an itemized statement of all moneys apportioned to, received and expended by them for each school, and a copy of all contracts made by them with teachers. The committee shall have authority to purchase the supplies necessary for conducting the schools and for repairs, to an amount not to exceed in the aggregate the sum of twenty-five dollars in any one year for each school; but nothing in this section shall be so construed as to give school committees the right to make expenditures without the order of the county board.

1901, c. 4, ss. 21, 35; 1905, c. 533, s. 19.

[The county superintendent should furnish the committeemen a record book to keep their accounts.]

4150. MUST NOT OVERDRAW. No committee shall give an order unless the money to pay it is actually to the credit of the district, and no part of the school fund for one year shall be used to pay school claims for any previous year.

1901, c. 4, s. 34; 1903, c. 435, s. 16.

4151. PRIVATE SCHOOLS, COMMITTEE MAY CONTRACT WITH; EFFECT. In any school district where there may be a private school regularly conducted for at least six months in the year, unless such private school is a sectarian or denominational school, the school committee may contract with the teacher of such private school to give instruction to all pupils between the ages of six and twenty-one years in the branches of learning taught in the public schools, as prescribed in this chapter, without charge and free of tuition; and such school committee may pay such teacher for such service out of the

public school fund apportioned to the district, and the agreement as to such pay shall be arranged between the committee and teacher. Every teacher of the public school branches in such school shall obtain a first grade certificate before beginning his or her work, and shall from time to time make such reports as are required of other teachers under this chapter. The county superintendents of public instruction shall have the same authority in respect to the employment and dismissal of teachers under this section, and in every other respect, as is conferred in other sections of this chapter; and all contracts made under this section shall designate the minimum length of the public school term, which shall not be less than the average length of the public school term of the county of the preceding year. The amount paid such private school for each pupil in the public school branches, based on the average daily attendance, shall not exceed the regular tuition rates in such school for such branches of study. Every school to which aid shall be given under this chapter shall be a public school, to which all children living within the district between the ages of six and twenty-one years shall be admitted free of charge for tuition: *Provided*, that in case of contract with the teacher of a private school, under this section, tuition may be charged for instruction in higher branches of study not mentioned in section four thousand and eighty-seven, if the apportionment of funds for the public school of the district would in the opinion of the county board of education be insufficient to provide instruction in these higher branches of study if the public school were taught separately. The committee may admit pay students over twenty-one years of age.

1901, c. 4, ss. 33, 65; 1903, c. 435, s. 15; 1905, c. 533, s. 12.

XI. THE TREASURER OF THE SCHOOL FUND

Summary.—THE COUNTY TREASURER IS TREASURER OF THE SCHOOL FUND, AND HE MUST GIVE A SEPARATE BOND FOR THE FAITHFUL DISCHARGE OF HIS DUTIES. HE IS ALSO REQUIRED TO KEEP AN ITEMIZED RECORD OF HIS RECEIPTS AND DISBURSEMENTS OF THE SCHOOL FUND, AND TO PAY NO ORDER FOR MONEY UNLESS PROPERLY SIGNED BY THE COMMITTEE AND COUNTY SUPERINTENDENT. THE TREASURER IS ALSO REQUIRED TO BE IN HIS OFFICE ON THE LAST SATURDAY OF EACH MONTH, AND TO KEEP AN ACCOUNT WITH EACH TOWNSHIP AND SCHOOL DISTRICT. ANNUALLY HE MUST REPORT TO THE STATE SUPERINTENDENT AND TO THE COUNTY BOARD, SETTING FORTH ALL THE MONEY TRANSACTIONS OF THE YEAR. THE COUNTY BOARD MAY REQUIRE REPORTS OFTENNER THAN ONCE A YEAR. FAILURE TO MAKE PROPER REPORTS CONSTITUTES A MISDEMEANOR. THE COMPENSATION OF THE TREASURER IS TO BE FIXED BY THE COUNTY BOARD, NOT TO EXCEED TWO PER CENT OF HIS DISBURSEMENTS.

4152. COUNTY TREASURER MADE TREASURER OF SCHOOL FUND; BOND. The county treasurer of each county shall receive and disburse all public school funds, and shall keep the same separate and distinct from all other funds; but before entering upon the duties of his office he shall execute a justified bond, with security, in an amount to be fixed by the board of county commissioners, not less than the moneys received by him or by his predecessor during the previous year, conditioned for the faithful performance of his duties as treasurer of the county school fund, and for the payment over to his successor in office of any balance of school moneys that may be in his hands unexpended. The bond of the treasurer of the county school fund shall be a separate bond, not including liabilities for other funds, and shall

be approved by the board of county commissioners, and that board may from time to time, if necessary, require him to strengthen his bond.

COMPENSATION OF COUNTY TREASURER FOR RECEIVING AND DISBURSING SCHOOL FUNDS. (Rev. 1905, sec. 2778.) The county treasurer shall receive as compensation in full for all services required of him such a sum, not exceeding one-half of one per cent on moneys received and not exceeding two and a half per cent on moneys disbursed by him, as the board of county commissioners of the county may allow. As treasurer of the county school fund he shall receive such sum as the board of education may allow him, not exceeding two per cent on disbursements: *Provided*, that said treasurer shall be allowed no commission or compensation for receipts and disbursements of any loan or loans made to the county by the State Board of Education under section four thousand and fifty-three of The Revisal of one thousand nine hundred and five: *Provided*, that in counties where his compensation can not exceed the sum of two hundred and fifty dollars the said treasurer may be allowed a sum not exceeding two and a half per cent on his receipts and his disbursements: *Provided further*, that the County Treasurer of Buncombe County shall receive as compensation in full for all services required of him seventeen hundred and fifty dollars per annum, paid *pro rata* from the county fund and the school fund. The County Treasurer of Gaston County shall receive as compensation in full for all services required of him a yearly salary not exceeding twelve hundred dollars, to be fixed by the commissioners of said county. The County Treasurer of Mecklenburg County shall receive as compensation in full for all services required of him a yearly salary not exceeding twenty-seven hundred and fifty dollars, to be fixed by the commissioners of said county; said salaries to be in lieu of all commissions allowed by law. The Treasurer of Martin County shall receive as his commissions two and one-half per cent on all money received by him as general county fund and two and one-half per cent on all money disbursed by him as general county fund. Commissions on school fund shall remain as already provided by law.

1901, c. 4, ss. 46, 47; Revisal 1905, c. 66, s. 2778; 1913, c. 149.

4153. BOND, ACTION ON. The board of county commissioners shall bring action in the name of the State upon the relation of such board for any breach of the bond of the treasurer of the county school fund, and on its failure to bring such action it may be brought in the name of the State on the relation of any taxpayer.

1901, c. 4, s. 47.

4154. TO KEEP DETAILED ACCOUNT OF RECEIPTS; TO ACCEPT MONEY ONLY. The treasurer of the county school fund shall keep a book in which shall be entered a full and detailed account of all public school moneys received by him, the name of each person paying him school money, the source from which the same may have been derived, and the date of such payment. In his settlement with the sheriff or other collecting officer of public school funds the treasurer shall receive money only.

1901, c. 4, s. 52.

4155. TO PAY ONLY SUCH ORDERS AS ALLOWED HEREIN. Every order for the payment of a teacher's salary, for building, repairs, school furnishing or for the payment of money for any purpose whatsoever, before it shall be a valid voucher for the county treasurer, shall be signed first by at least two members of the school committee, then by the county superintendent. No order shall be signed by the county superintendent for more money than is to the

credit of that district for the fiscal year, nor shall he endorse the order of any teacher who does not produce a certificate as required by law. The treasurer shall not pay any school money for building or repairing any schoolhouse unless the site on which it is located has been donated to or purchased by the county board of education and the deed for the same regularly executed and delivered to such board and probated and registered in the office of the register of deeds for the county and delivered to the clerk of the Superior Court, to be by him safely deposited with his valuable official papers and surrendered to his successor in office.

1901, c. 4, s. 48.

4156. TO BE AT HIS OFFICE ON LAST SATURDAY IN MONTH. The treasurer of the county school fund shall, on the last Saturday of each month, attend at his office for the purpose of paying school orders, but this shall not prevent the payment of orders at other times.

1901, c. 4, s. 58.

4157. TO KEEP AN ACCOUNT WITH EACH TOWNSHIP AND DISTRICT; ANNUAL REPORT OF BALANCES. It shall be the duty of the treasurer of the county school fund to keep a book in which he shall open an account with each township in the county, showing the amount apportioned to such township by the county board of education. He shall also open an account with each school district, showing the amount apportioned to such district. He shall record all payments of school money, giving the date, the amount, the person to whom paid and for what purpose paid. He shall balance the account of each township and district annually on the thirtieth of June, and shall report by letter or printed circular, within ten days thereafter, such balances to the county board of education and to the school committee.

1901, c. 4, s. 49.

4158. TO REPORT ANNUALLY TO STATE SUPERINTENDENT AND TO COUNTY BOARD. The treasurer of any county, town or city school fund shall report to the State Superintendent of Public Instruction on the first Monday of August of each year the entire amount of money received and disbursed by him during the preceding school year, designating by items the amounts received, respectively, from property tax, poll tax, liquor licenses, fines, forfeitures and penalties, auctioneers, estrays, from State Treasurer and from other sources. He shall also designate by item the sum paid to teachers of each race, respectively, for schoolhouses, school sites in the several districts, and for all other purposes, specifically and in detail, by item, and on the same date he shall file a duplicate of such report in the office of the county board of education. He shall make such other reports as the county board of education of the county may require from time to time. Whenever the sheriff or other collecting officer pays over money to the treasurer of the school fund he shall designate the items as indicated in this section, and these items shall be stated in the receipts given by the treasurer. *In all counties in which the office of county treasurer has been abolished all banks or other corporations handling the public school funds shall be required to make all reports thereof required of the treasurer of the county school funds under sections four thousand one hundred and fifty-seven and four thousand one hundred and fifty-eight of the Revisal of one thousand nine hundred and five as amended by any subsequent legislation.*

1901, c. 4, ss. 51, 56; 1913, c. 149; 1915, c. 236.

4159. DUTIES ON EXPIRATION OF HIS TERM. Each treasurer of the county school fund, in going out of office, shall deposit in the office of the board of

education of his county his books in which are kept his school accounts, and all records and blanks pertaining to his office. If the term of office of any treasurer shall expire on the thirtieth day of November during any fiscal school year, or if for any reason he shall hold office beyond the thirtieth day of November and not for the whole of the current fiscal school year, he shall at the time he goes out of office file with the county board of education and with his successor a report, itemized, as required by the next preceding section, covering the receipts and disbursements for that part of the fiscal school year from the thirtieth of June preceding to the time at which he turns over the office to his successor, and his successor shall include in his report to the State Superintendent the receipts and disbursements for the current fiscal year.

1901, c. 4, ss. 57, 58.

4160. TO EXHIBIT BOOKS, VOUCHERS AND MONEY TO COUNTY BOARD. The treasurer of the county school fund shall, when required by the county board of education, produce his books and vouchers for examination and shall also exhibit all moneys due the public school fund of the county at such settlement required by this chapter.

1901, c. 4, s. 50.

TREASURER FAILING TO REPORT. (Rev. 1905, sec. 3839.) If any treasurer of the county, town or city school fund shall fail to make reports required of him at the time and in the manner prescribed, or to perform any other duties required of him by law, he shall be guilty of a misdemeanor and be fined not less than fifty dollars and not more than two hundred dollars or imprisoned not less than thirty days nor more than six months, in the discretion of the court.

Revisal of 1905, v. I, c. 81, s. 3839; 1913, c. 149.

XII. PRIVILEGES AND DUTIES OF TEACHERS

Summary.—ALL TEACHERS ARE ELECTED BY THE SCHOOL COMMITTEE BUT MUST BE APPROVED BY THE COUNTY SUPERINTENDENT. A TEACHER CAN NOT BE DISMISSED EXCEPT FOR CAUSE, AFTER WRITTEN CHARGES HAVE BEEN REFERRED AND AN INVESTIGATION HELD. NO CONTRACT IS LEGAL UNLESS IT WAS ENTERED INTO WITH THE COMMITTEE AT A REGULARLY CALLED MEETING, AND UNLESS THE CONTRACT DOES NOT EXTEND BEYOND THE TERM OF OFFICE OF THE COMMITTEE, AND UNLESS THE COMPENSATION WHICH THE CONTRACT NAMES IS WITHIN THE SALARY LIMIT PRESCRIBED BY THE COUNTY BOARD FOR THE PARTICULAR SCHOOL CONTRACTED FOR. THERE ARE THREE KINDS OF CERTIFICATES—THE ORDINARY CERTIFICATE OF THREE GRADES GRANTED BY THE COUNTY SUPERINTENDENT; THE FIVE-YEAR STATE CERTIFICATE, WITH A MINIMUM SALARY OF \$35 PER MONTH TO THE HOLDER, AND THE HIGH SCHOOL CERTIFICATE. THE FIVE-YEAR STATE AND THE HIGH SCHOOL CERTIFICATES ARE GRANTED BY THE STATE BOARD OF EXAMINERS. THESE CERTIFICATES MAY BE CONVERTED INTO LIFE CERTIFICATES. THE FIRST-GRADE CERTIFICATE GIVEN BY THE COUNTY SUPERINTENDENT ENTITLES THE HOLDER TO TEACH FOR TWO YEARS; THE SECOND-GRADE CERTIFICATE ENTITLES THE HOLDER TO TEACH ONE YEAR AND LIMITS THE HOLDER'S SALARY TO \$35 PER MONTH. HOLDERS OF THIRD-GRADE CERTIFICATES CAN BE EMPLOYED ONLY AS ASSISTANTS. ALL TEACHERS MUST BE 18 YEARS OF AGE OR OVER. NO DIPLOMA OF ANY COLLEGE OR NORMAL SCHOOL GIVES ITS HOLDER THE RIGHT TO TEACH, THOUGH CREDITS MAY BE ALLOWED BY THE STATE BOARD OF EXAMINERS ON THE BASIS OF ACADEMIC AND PROFESSIONAL TRAINING. EVERY TEACHER MUST KEEP CERTAIN RECORDS AND MAKE CERTAIN REPORTS

BEFORE HE CAN COLLECT HIS SALARY; MUST ENCOURAGE MORALITY AND GOOD ORDER AND MAINTAIN DISCIPLINE. EVERY TEACHER IS REQUIRED ONCE EVERY TWO YEARS TO ATTEND THE COUNTY INSTITUTE, IF HELD. IMMORAL AND WILLFULLY DISOBEDIENT PUPILS MAY BE DISMISSED BY THE TEACHER. THERE IS NO REGULATION FORBIDDING CORPORAL PUNISHMENT.

4161. SCHOOL COMMITTEE TO EMPLOY AND DISMISS TEACHERS; NOTICE; CONTRACTS. The school committee shall have authority to employ and dismiss teachers, but no teacher shall be dismissed until charges shall have been filed in writing with the county superintendent, and after a hearing shall have been had before the committee of the district in which such teacher is teaching, after two days notice to such teacher. The committee shall meet at convenient times and places for the employment of teachers for the public schools, and no teacher shall be employed by any committee except at a regularly called meeting of such committee, due notice of such meeting having been given at three public places by the committee. The county board of education of each county shall fix annually a day and place in each township for the meeting of the township or district committeemen of said townships, who shall, in conference with the county superintendent, with whom application must have previously been filed by all applicants, select the teachers for their respective schools, except for rural public high schools: *Provided*, that no election of any teacher or any assistant teacher shall be deemed valid until such election has been approved by the county superintendent; and no voucher for the salary of a teacher of any school shall be signed by any county superintendent unless a copy of such teacher's contract has been filed with him as herein provided, and unless he shall have received satisfactory evidence that such teacher has been elected in strict accordance with this section. No contract for teachers' salaries shall be made during any year to extend beyond the term of office of the committee, nor for more money than accrues to the credit of the district for the fiscal year during which the contract is made.

1901, c. 4, ss. 20, 22, 34; 1901, c. 3, s. 1; 1903, c. 435, ss. 7, 16; 1913, c. 149.

4162. EXAMINATION; PROFICIENCY; GRADES. On the second Thursday of July and October of every year the county superintendent of schools of each county shall publicly examine all applicants of good moral character for teachers' certificates on all subjects required to be taught in the public schools, and also on the theory and practice of teaching; and the county superintendent may continue the examination from day to day, if necessary, until all applicants have been examined; and, with the approval of the county board of education, he may, after giving at least ten days notice, hold public examinations on two other dates during the year. All examinations of teachers shall be held at the county courthouse, but for the convenience of teachers the county superintendent may designate another place: *Provided*, due notice of the time and the place shall have been given. No private examination of applicants for teachers' certificates shall be given by the county superintendent unless a reasonable excuse shall be rendered for failure to attend the public examination; and for every private examination each applicant for a certificate shall pay in advance to the county superintendent a fee of three dollars, to be paid by him to the treasurer of the county school fund, to be placed to the credit of the general school fund of the county. A general average of ninety per cent and over shall entitle the applicant to a first-grade certificate; a general average of eighty per cent.

and less than ninety per cent shall entitle the applicant to a second-grade certificate, and a general average of seventy per cent and less than eighty per cent shall entitle the applicant to a third-grade certificate. No certificate shall be valid except in the county in which it is issued. First-grade certificates shall be valid for two years from date of issue; other grades of certificates shall be valid for only one year and shall not be renewed except upon examination. The county superintendent may invite competent persons to assist in the examination of applicants for certificates, and he shall file in his office a copy of all examination questions, and also preserve for at least one year the examination papers and grades of all applicants for certificates, and upon request of the State Superintendent of Public Instruction he shall send all examination papers and their gradation and a copy of all examination questions to the office of the State Superintendent of Public Instruction: *Provided*, that the State Superintendent of Public Instruction, in lieu of the provisions of this section in reference to the examination, the gradation and the certification of teachers, may in his discretion provide for a uniform system of gradation, examination and certification of public school teachers, prescribing the examination, the time and manner of conducting the same, and also for making provision for the classification of teachers' certificates into primary, intermediate and high school.

In addition to the three grades of certificates herein provided, a certificate known as State certificate, signed by the State Superintendent and Board of Examiners, hereinafter provided, shall be issued to any person who upon examination by said board of examiners shall make a general average of not less than *seventy-five per cent*. Said examination shall be in writing and may be conducted before the county superintendent of public instruction in any county or before any person selected by said board of examiners, under such rules and regulations as said board may adopt, but the questions for such examination shall be furnished by said board of examiners, and said board shall meet at the call of the State Superintendent of Public Instruction to examine and grade all papers submitted by applicants for such State certificate: *Provided*, that the said board of examiners may, in their discretion, and in lieu of examination allow certain credits for academic and professional work done in approved institutions and for successful experience. The State Superintendent of Public Instruction shall be *ex officio* chairman of said board, and the chief clerk in the office of the State Superintendent of Public Instruction shall be *ex officio* secretary of the said board, and shall be paid out of the State treasury three hundred dollars annually as compensation for additional services as secretary, and all persons who desire to be examined for a State certificate shall file an application with the State Superintendent of Public Instruction, who shall notify such person when and where such examination will be held: *Provided*, that no person shall be permitted to stand such examination without first filing with the State Superintendent of Public Instruction a statement from the county superintendent of public instruction of the county in which said applicant last taught that said applicant holds a first-grade certificate and has taught successfully at least one year. Said State certificate shall be valid in any county in the State, and no other examination or certificate as a prerequisite for teaching a public school shall be required of any person holding such State certificate for a period of five years from the date of issue of said State certificate, and said certificate shall be subject to renewal and may, in the discretion of the board of examiners, on its second renewal be converted into a life certificate.

And the minimum salary paid to any teacher holding such State certificate shall be thirty-five dollars per month. Said board of examiners, under the direction of the State Superintendent of Public Instruction, shall examine all teachers who apply to the State Superintendent for a high school teacher's certificate, and said examination shall be conducted in the same manner as the examination for State certificates, as herein provided: *Provided, that the said board of examiners may, in their discretion, and in lieu of examination allow certain credits for academic and professional work done in approved institutions and for successful experience; and said high school teacher's certificate shall be subject to renewal and may, in the discretion of the board of examiners, on its second renewal be converted into a life certificate.* Said State Board of Examiners shall consist of not less than three (3) and not more than five (5) practical school teachers, who shall be appointed by the State Board of Education upon the recommendation of the State Superintendent of Public Instruction, and they shall hold office for a term of four (4) years; and the members of said board actually serving shall be paid a per diem of four (4) dollars per day during the time that they are actually engaged, and in addition shall be repaid all money actually expended by them in payment of necessary expenses while so engaged, to be paid out of the public fund, and they shall make out and swear to an itemized statement of such expenses: *Provided, that the State Superintendent of Public Instruction shall not be allowed any per diem for services as chairman of said board of examiners.*

1905, c. 533, s. 9; 1901, c. 4, s. 37; 1907, c. 835; 1911, c. 135; 1915, c. 236.

[No private examination should be given unless the applicant was prevented from attending the regular examination on account of providential hindrances.]

4163. AGE, QUALIFICATIONS, CERTIFICATES, GRADES AND PAY OF; SCHOOL MONTH DEFINED. No person shall be employed as a teacher who does not produce a certificate from the county superintendent or State Superintendent of Public Instruction, dated within the time prescribed by law and continuing to the end of the term. No assistant teacher shall be employed in any one-teacher school until the average daily attendance shall have reached at least forty pupils, and in case the reports of any teacher shall for four consecutive weeks show an average daily attendance of less than forty pupils the assistant teacher may be dismissed. No certificate to teach shall be issued to any person under eighteen years of age. Teachers of second grade shall receive not more than thirty-five dollars per month out of the public fund, and teachers of the first grade may receive such compensation as shall be agreed upon. Teachers of the third grade shall receive not more than twenty dollars per month, but no third-grade certificate shall be renewed and no holder of a third-grade certificate shall be employed except as an assistant teacher. No teacher shall receive any compensation for a shorter term than one month, unless providentially hindered from completing the term. Twenty school days of not less than six hours nor more than seven hours each day shall be a month. The school term shall be continuous, as far as practicable. All laws and clauses of laws granting to or conferring upon the graduates or ex-students or students of any institution of learning, private or public, within this State or elsewhere, immunity, exemption or freedom from the operation of laws of this State requiring persons who desire to teach in free public schools of the State to submit to and pass regular examinations before

the county superintendents before being duly qualified to serve as such teachers are hereby repealed. The county board of education shall fix, within the limits above prescribed, the maximum salary to be paid to teachers in each school in the county.

1901, c. 4, ss. 22, 24, 27, 34; 1901, c. 3, s. 2; 1901, c. 535; 1903, c. 435, ss. 9, 16; 1911, c. 135; 1913, c. 149.

[Committeemen can not contract to pay any teacher more than the salary fixed for the school by the county board.]

4164. SALARY, HOW PAID; CLOSING SCHOOLS FOR NONATTENDANCE OF PUPILS. At the end of every term of a public school the teacher or principal of the school shall exhibit to the school committee a statement of the number of pupils, male and female, the average daily attendance, the number of pupils completing the elementary grades, the length of term and the time taught. If the committee is satisfied that the provisions of this chapter have been complied with, they shall give an order on the treasurer of the county school fund, payable to such teacher, for the full amount due for services rendered; but monthly, and, if required by the county superintendent, weekly statements and reports shall be made by the teacher to the committee and to the county superintendent. Orders on the treasurer shall be valid when signed by two members of the committee and countersigned by the county superintendent. When a monthly or weekly report of any school where the district does not contain over one hundred and fifty children shows an average daily attendance of less than one-fifth of the school census, the committee may, with the approval of the county superintendent of schools, order the school to be closed, and the money due such school shall remain to the credit of that school; but all funds remaining to the credit of such school at the close of the school year, unused because of nonattendance, shall be returned to the general fund for reapportionment, unless such nonattendance shall have been caused by providential or other unavoidable causes; and the county board of education, upon the recommendation of the county superintendent, shall have authority to close any school for either race in any township before it shall have continued for the average length of school term for the township in case the attendance does not justify the continuance of the school, and the money remaining to the credit of such district thus closed for nonattendance shall be returned to the general school fund. The county board of education of such and every county is hereby authorized and directed to provide for the prompt payment of all teachers' salaries due at the end of each school month.

1901, c. 4, ss. 23, 24; 1903, c. 435, ss. 8, 9; 1905, c. 533, s. 4; 1913, c. 149.

[Monthly reports should be required of every teacher, so that this section can be intelligently carried out.]

4165. KEEP RECORD; REPORT TO COUNTY SUPERINTENDENT, ALSO TO STATE SUPERINTENDENT, WHEN. Every teacher or principal of a school to which aid shall be given under this chapter shall keep such record of the attendance and classification of pupils as shall be prescribed by the State Superintendent of Public Instruction or the county board of education; and at the end of each term, and when requested at other times, every teacher or principal shall report to the county superintendent of schools in such form and manner and on such blanks as shall be furnished by the county superintendent of schools or the State Superintendent of Public Instruction. At the end of every term every principal or teacher of a public school shall report to the county superintendent of schools the length of term of the school, the race

for which it was taught, the number, the sex and average daily attendance of the pupils, and the number of the district in which the school is taught, the number of children on census blank not attending any school, number of children under seventeen years of age not attending any school, stating some causes why they did not attend; how many families having children of school age who did not send any of their children to school; how many families did, stating what personal effort has been made to get the children to attend school. The county superintendent shall not approve the final voucher for the salary of any principal or teacher until all reports have been made according to law and until the register has been properly filled out and filed with the county superintendent of schools. The principal or superintendent of every school or institution of learning supported in whole or in part by public funds shall report to the State Superintendent at such time and in such form as he may direct, and shall also report to the county superintendent of the county in which such school or institution of learning is situated.

1901, c. 4, ss. 64, 66; 1903, c. 435, s. 21; 1903, c. 533, s. 11.

[The county superintendent should always require all reports to be fully and accurately signed before he signs the teacher's voucher for the last month's salary.]

4166. TO MAINTAIN ORDER AND ENCOURAGE VIRTUE; TO DISMISS IMPROPER PUPILS. It shall be the duty of all teachers of free public schools to maintain good order and discipline in their respective schools; to encourage morality, industry and neatness in all of their pupils, and to teach thoroughly all branches which they are required to teach. Pupils who willfully and persistently violate the rules of the school and any of immoral life and character shall be dismissed by the teacher.

1901, c. 4, s. 63.

4167. TEACHERS' INSTITUTES AND SCHOOLS, HOW CONDUCTED; TEACHERS MUST ATTEND. The county board of education of every county shall biennially appropriate an amount not less than two hundred dollars nor more than two hundred and fifty dollars out of the public school funds of the county, the definite amount between the minimum and the maximum thus fixed to be determined by the State Superintendent of Public Instruction, for the purpose of conducting biennially a teachers' institute and school for the training of the public school teachers of the county at some convenient and satisfactory place. The biennial county teachers' institute and school provided for in this section shall be conducted by some practical teacher or teachers appointed by the State Superintendent of Public Instruction, at such time and place as shall be determined by the State Superintendent of Public Instruction, after consultation with the county superintendent of schools and the county board of education. All public school teachers of the State and all high school and graded school teachers are hereby required to attend biennially some county teachers' institute or accredited summer school continuously for a term of not less than two weeks, unless providentially hindered; and failure so to attend such institute or summer school shall be cause for debarring any teacher, so failing, from teaching in any of the public schools, high schools, or graded schools of the State until such teacher shall have attended, as required by law, some county institute or accredited school as herein provided for. The rules and regulations governing all teachers' institutes, the course of study to be pursued and the proper credits for attendance on the same shall be prescribed by the State Superintendent of Public Instruction; and proper and just provision shall be made for the training

of the teachers of each race in separate institutes and schools: *Provided*, that counties whose total annual public school fund is less than eight thousand dollars may arrange with an adjoining county for holding a biennial teachers' institute and school, as herein provided for, making such biennial appropriation and arrangement with an adjoining county as shall be equitable and satisfactory, which appropriation and arrangement and the terms of the same shall first be approved by the State Superintendent of Public Instruction: and *Provided further*, that a properly signed certificate of continuous attendance at some summer school of good standing for a period of not less than three weeks may be accepted by the county superintendent of schools as a substitute for attendance on the biennial teachers' institute and school herein provided for, under such rules and regulations as shall be prescribed by the State Superintendent of Public Instruction. *Provided further*, that the counties holding institutes on alternate years shall be equally divided in number, as nearly as may be, by the State Superintendent of Public Instruction after consultation with the county superintendents of schools and the county boards of education; and that teachers in such counties as may be exempted from holding institutes in one thousand nine hundred and sixteen, under this provision in order to divide the two groups of counties evenly, shall not be debarred from teaching for the school year ending June thirtieth, one thousand nine hundred and seventeen, because of nonattendance upon an institute or summer school in the year one thousand nine hundred and sixteen.

1905, c. 533, s. 5; 1903, c. 436, s. 10; 1901, c. 4, s. 26; 1911, c. 135; 1915, c. 236.

XIII. RURAL LIBRARIES

Summary.—IN ANY SCHOOL DISTRICT, INCORPORATED TOWNS HAVING AS MANY AS 1,000 INHABITANTS EXCEPTED, THERE MAY BE ESTABLISHED BY AID OF THE STATE, A SCHOOL LIBRARY. THE PATRONS AND FRIENDS OF THE SCHOOL ARE REQUIRED TO RAISE BY PRIVATE DONATIONS AS MUCH AS \$10 AND TENDER IT TO THE COUNTY TREASURER. THEREUPON THE COUNTY BOARD OF EDUCATION SHALL APPROPRIATE \$10 OUT OF THE GENERAL SCHOOL FUND OF THE COUNTY, AND THE COUNTY SUPERINTENDENT SHALL CERTIFY THE SAME TO THE STATE SUPERINTENDENT. THE STATE SUPERINTENDENT IS THEN REQUIRED TO SEND \$10 FROM THE STATE APPROPRIATION TO THE TREASURER OF THE COUNTY, AND THE \$30 USED IN THE PURCHASE OF BOOKS SELECTED FROM A LIST APPROVED BY THE STATE SUPERINTENDENT. THE COUNTY BOARD IS REQUIRED TO FURNISH OUT OF THE GENERAL SCHOOL FUND A NEAT BOOKCASE, WITH LOCK AND KEY. THE LIBRARY THUS ESTABLISHED SHALL BE CONDUCTED UNDER RULES AND REGULATIONS PRESCRIBED BY THE STATE SUPERINTENDENT. LIBRARIES MAY BE ENLARGED BY THE ADDITION OF \$15 WORTH OF BOOKS, \$5 OF WHICH MUST BE RAISED BY PRIVATE DONATIONS, \$5 BE APPROPRIATED OUT OF THE GENERAL COUNTY SCHOOL FUND, AND \$5 BE GIVEN OUT OF THE STATE APPROPRIATION; AND THE ADDITIONAL BOOKS MUST BE SELECTED FROM A LIST APPROVED BY THE STATE SUPERINTENDENT. AFTER TEN YEARS A DISTRICT IS ENTITLED TO RECEIVE AID FOR A SECOND LIBRARY.

NOTE.—Sections 4168-4171 relate to Indians of Robeson County and are printed after rural library sections.

4172. HOW ESTABLISHED; DUTIES OF SCHOOL OFFICIALS; MANAGER APPOINTED. Whenever the patrons and friends of any free public school in which a library has not already been established by aid of the State shall raise by private subscription and tender to the treasurer of the county school fund for the

establishment of a library to be connected with such school the sum of ten dollars, the county board of education shall appropriate from the general county school fund the sum of ten dollars for this purpose, and shall appoint one intelligent person in the school district the manager of such library. The county board shall also appoint one competent person, well versed in books, to select books for such libraries as may be established under these provisions from lists of books approved by the State Superintendent of Public Instruction: *Provided, that after any school district shall have had a library for ten years or longer under the provisions of this section, said school district shall be entitled to receive a second library in accordance with the foregoing provisions of this section.*

1901, c. 662, s. 6; 1903, c. 226, s. 1; 1905, c. 381; 1915, c. 236.

4173. STATE BOARD OF EDUCATION TO CONTRIBUTE. As soon as such board shall have made an appropriation for a library in the manner prescribed, the county superintendent shall inform the secretary of the State Board of Education of the fact, whereupon the State Board shall remit to the treasurer of the county school fund the sum of ten dollars additional for the purchase of books.

1901, c. 662, s. 7; 1903, c. 226, s. 2; 1905, c. 381, s. 2.

4174. BOOKS AND BOOKCASES, HOW PURCHASED. Within thirty days after the payment of the money to the treasurer of the county school fund, the person appointed to select the books shall submit the list of books to be purchased and prices of same, to such treasurer, who shall order the books at once. The treasurer shall receive no compensation except his regular commission. The county board shall furnish, at the expense of the general county school fund, a neat bookcase, with lock and key, to each library, upon application of the county superintendent.

1901, c. 662, s. 8; 1903, c. 226, s. 3; 1905, c. 381, s. 3.

4175. RULES TO BE MADE BY STATE SUPERINTENDENT. The local manager of every library shall carry out such rules and regulations for the proper use and preservation of the books as may be established by the State Superintendent of Public Instruction, and shall, on or before June thirtieth of each year, make to the State Superintendent of Public Instruction such reports as he shall require.

1901, c. 662, s. 9; 1903, c. 226, s. 4; 1905, c. 381, s. 4.

[The State Superintendent will furnish a copy of the rules on application.]

4176. EXCHANGE OF LIBRARIES. The local managers of two or more libraries may, by agreement, exchange libraries; but no exchange shall be made oftener than once in six months, and no part of the expense of exchanging libraries shall be paid out of the public funds.

1901, c. 662, s. 10; 1903, c. 226; s. 5; 1905, c. 381, s. 5.

4177. ENLARGEMENT OF LIBRARIES, APPROPRIATIONS FOR. Whenever the patrons and friends of any free public school in which a library has been established under the provisions of this sub-chapter shall raise by private subscription and tender to the treasurer of the county school fund the sum of five dollars for the enlargement of the library, the county board of education shall appropriate from the general school fund the sum of five dollars, and the State Board of Education shall remit to the treasurer of the county school fund the sum of five dollars. The money thus collected and appropriated shall be used for the enlargement of libraries already established under the same rules and restrictions as govern the establishment of new libraries.

1903, c. 226, s. 6; 1905, c. 381, s. 6.

4178. NUMBER OF LIBRARIES LIMITED; CITIES AND TOWNS EXCLUDED, WHEN. Not more than six new libraries, in addition to those already established, shall be established biennially in any county under the provisions of the preceding sections, and not more than six libraries already established in any county shall be entitled biennially to the benefits of section six of this act: *Provided*, that after November thirtieth, one thousand nine hundred and six, and after November thirtieth of every second year thereafter, if any of the aforesaid biennial appropriation for the years ending on such date shall still be in the hands of the State Treasurer, any free public school which shall fulfill the conditions set forth in the preceding sections shall be entitled to receive the benefits of this act, regardless of the number of libraries already established in the county in which said school is located, until the aforesaid balance of each biennial appropriation available for the purpose is exhausted. No school district in any incorporated town with a population exceeding one thousand persons shall receive any moneys under the provisions of this act.

1901, c. 662, s. 12; 1903, c. 226, s. 8; 1905, c. 381, ss. 8, 9.

[*After the biennial period has passed, the libraries not taken during that period may be taken by any county desiring them.*]

4179. ADDITIONAL APPROPRIATION OF STATE FUNDS. The sum of seven thousand five hundred dollars of the appropriation for the public schools of the State is hereby biennially appropriated and set apart to be expended by the State Board of Education under the provisions of this subchapter: *Provided*, that of each biennial appropriation a sum not exceeding five thousand dollars may be expended by the State Board of Education in the establishment of new libraries, and a sum not exceeding two thousand five hundred dollars may be expended by the State Board of Education in the enlargement of libraries according to the provisions of section four thousand one hundred and seventy-seven of this subchapter: *Provided further*, that any balance of the biennial appropriation of two thousand five hundred dollars for the enlargement of libraries remaining in the hands of the State Treasurer at the end of each biennial period shall be used for the establishment of new libraries in accordance with the provisions of section four thousand one hundred and seventy-two of The Revisal of one thousand nine hundred and five of North Carolina.

1901, c. 662, s. 11; 1903, c. 226, s. 7; 1905, c. 381, s. 7; 1909, c. 525.

XIV. SEPARATE SCHOOLS FOR INDIANS OF ROBESON COUNTY

The provisions of the school law relating to the Croatan Indians of Richmond, Sampson, and Robeson counties are as follows:

4168. SEPARATE SCHOOLS FOR. The persons residing in Robeson, Sampson, and Richmond counties, supposed to be descendants of a friendly tribe once residing in the eastern portion of the State, known as Croatan Indians, and their descendants, shall be known and designated as the Indians of Robeson County, and they and their descendants shall have separate schools for their children, school committees of their own race and color, and shall be allowed to select teachers of their own choice, subject to the same rules and regulations as are applicable to all teachers in the general school law, and there shall be excluded from such separate schools for the Indians of Robeson County all children of the negro race to the fourth generation.

1885, c. 51, s. 2; 1889, c. 60, s. 1; 1911, c. 215.

4169. COUNTY BOARD TO CARRY PROVISIONS INTO EFFECT. It shall be the duty of the county board of education to see that the next preceding section is carried into effect, and shall for that purpose have the census taken of all the children of such Indians and their descendants between the ages of six and twenty-one, and proceed to establish such suitable school districts as shall be necessary for their convenience, and take all such other and further steps as may be necessary for the purpose of carrying such section into effect; and where any children, descendants of such Indians, shall reside in any district in such counties of Robeson and Richmond in which there are no separate schools provided for their race they shall have the right to attend any of the public schools in the county provided for their race, and their share of the public school fund shall be appropriated to their education upon the certificate of the school committee in the district in which they reside stating that they are entitled to attend such public schools.

1885, c. 51, ss. 3, 4.

4170. PRO RATA SHARE OF SCHOOL FUNDS KEPT SEPARATE. The treasurer of the county school fund and other proper authorities whose duties are to collect, keep and apportion the school fund shall procure from the county board of education the number of children in the county between the ages of six and twenty-one, belonging to such Indian race, and shall set apart and keep separate their *pro rata* share of the school funds, which shall be paid out under the same rules in every respect as are provided in the general school law and in the next preceding section.

1885, c. 51, s. 4.

4171. GENERAL SCHOOL LAW APPLICABLE TO. The general public school law shall be applicable in all respects to such separate schools for the Indians of Robeson County, except where such general law is repugnant to these special provisions relating to such schools and these special provisions for separate schools for Croatan Indians shall apply only to the counties of Robeson, Sampson, and Richmond.

1885, c. 51, s. 5; 1911, c. 215.

LAWS RELATING TO THE ADOPTION OF TEXT-BOOKS

4057. TEXT-BOOK COMMISSION CREATED. The State Board of Education is hereby constituted a State Text-book Commission, whose duty it is, acting conjointly with the subcommission, to select and adopt a uniform series or system of text-books for use in the public schools in the State of North Carolina, and who shall serve without compensation. The Governor shall be *ex officio* president of such commission and the Superintendent of Public Instruction its secretary.

1901, c. 1, ss. 1, 2, 7, 20; 1911, c. 118.

4058. POWERS; TERM OF CONTRACTS MADE BY. The commission may from time to time make any necessary regulations, not contrary to the provisions of this chapter, to secure the prompt distribution of the books herein provided for, and the prompt and faithful performance of all contracts. At any time within six months before the expiration of the contracts now in force for furnishing books to the public schools, the commission may advertise for new bids or proposals, as required by this chapter, and enter into such other contracts as they may deem best for the interest of the patrons of the public schools of the State. Any contract entered into or renewed shall be for the term of five years.

4059. TERM OF OFFICE AND POWERS. The commission shall maintain its organization during the five years of the continuance of the contract now in force, and at any time within six months before the expiration of the same shall advertise for new bids, or proposals, as required by this chapter in the first instance, and enter into such other contracts as it may deem best for the interest of the patrons of the public schools of the State; and the commission may from time to time make any necessary regulations not contrary to the provisions of this chapter to secure the prompt distribution of books herein provided for, and the prompt and faithful performance of all contracts.

1901, c. 1, s. 14; 1911, c. 118.

4060. CHARACTER AND REQUISITES OF BOOKS TO BE ADOPTED. The uniform series of text-books to be selected by the commission and the subcommission shall include the following branches, to wit: Orthography, defining, reading, writing, drawing, arithmetic, geography, grammar, language lessons, history of North Carolina containing the Constitution of the State, history of the United States containing the Constitution of the United States, physiology, hygiene, nature and effect of alcoholic drinks and narcotics, elements of civil government, elements of agriculture. None of such text-books shall contain anything of a partisan or sectarian character, and all shall be written or printed in English.

1901, c. 1, ss. 2, 8; 1911, c. 118.

4061. EXCLUSIVE USE OF BOOKS ADOPTED BY. The books adopted by the commission and subcommission as a uniform system of text-books shall be introduced and used as text-books, to the exclusion of all others, in all the public free schools in the State for a period of five years from the date of adoption; and it shall not be lawful for any school officer, director or teacher to use any books upon the same branches other than those adopted by the commission. Nothing herein shall prevent the use of supplementary books,

but such supplementary books shall not be used to the exclusion of the books prescribed or adopted under the provisions of this chapter; nor shall anything herein prevent the teaching in any school any branch higher or one more advanced than is embraced in the next preceding section, nor the use of any book upon such higher branch of study, but such higher branch shall not be taught to the exclusion of the branches mentioned and set out in the next preceding section.

4062. CAN PURCHASE ELSEWHERE WHEN CONTRACTOR FAILS TO SUPPLY; TEACHER ALLOWING OTHER BOOKS DISMISSED. Nothing herein shall prevent or prohibit the patrons of the public schools throughout the State from procuring books in the usual way, in case no contract shall be made or the contractor fails or refuses to furnish the books provided for in this chapter at the time required for their use the respective Schools. If any teacher shall willfully use or permit to be used in his school any text-book upon the branches embraced in this chapter, where the commission has adopted a book upon that branch, other than the one so adopted, the county board of education shall discharge and cancel the certificate of such teacher or school superintendent; but they may use or permit to be used such book or books as may be owned by the pupils of the school at the time of the adoption until such books are worn out, not exceeding one year from the date of adoption.

1901, c. 1, ss. 2, 16, 17, 18; 1911, c. 118.

4063. SUBCOMMISSION TO BE APPOINTED. It shall be the duty of the Governor and the State Superintendent of Public Instruction to appoint a subcommission of six members, to be selected from among the teachers or county superintendents actually engaged in school work in this State; and members of the subcommission actually serving shall be paid a per diem of four dollars per day during the time that they are actually engaged in such service, and in addition shall be repaid all money actually expended by them in payment of necessary expenses, to be paid out of the public funds of the State treasury, and they shall make out and swear to an itemized statement of such expenses.

1907, c. 835, s. 1, par. (b); 1911, c. 118, s. 1, par. (f).

4064. OATH OF SUBCOMMISSIONERS. Each member of the subcommission, before entering upon the discharge of his duties, shall take and subscribe an oath to act honestly, conscientiously, and faithfully, and that he is not now, has not within two years prior to his appointment, been agent or attorney for or in the employment of or interested in any book or publishing house, concern or corporation making or proposing to make bids for the sale of books, pursuant to the provisions of this chapter, and that he will carefully and faithfully examine all books submitted, and make true report thereon, as herein directed and prescribed. Such oath shall be filed in the office of the Secretary of State.

1901, c. 1, s. 5.

4065. EXAMINATION OF BOOKS BY SUBCOMMISSION, AND REPORT THEREON. To the subcommission shall be referred all books sent to the State Text-book Commission as specimen copies or samples upon which bids are to be based; and it shall be the duty of the subcommission, in executive session, to examine and report upon the merits of the books, irrespective of the price, taking into consideration the subject matter of the books, their printing, their material and their mechanical qualities and their general suitability and

desirability for the purposes for which they are desired and intended. The subcommission shall report to the commission at such time as the commission shall direct, arranging each book in its class or division and reporting books in the order of their merit, pointing out the merits and demerits of each, and indicating what book it recommends for adoption first, what book is its second choice, and its third choice, and so on, pursuing this plan with the books submitted upon each branch of study; and if the subcommission shall consider different books upon the same subject or of the same class or division of approximately even merit, all things being considered, it shall so report, and, if it considers that any book offered is of such a class as to make it inferior and not worthy of adoption, shall in its report so designate such book. In its report it shall make such recommendations and suggestions to the commission as it shall deem advisable and proper to make.

1901, c. 1, ss. 3, 4.

4066. REPORT, WHEN OPENED AND WHERE FILED. The report of the subcommission shall be kept secret and sealed up and delivered to the secretary of the commission, and shall not be opened by any member of the commission until the commission and the subcommission shall meet in joint executive session to open and consider the bids or proposals of publishers or others desiring to have books adopted by the commission; and when such commission shall have finished with such report it shall be filed and preserved in the office of the Superintendent of Public Instruction and shall be open at all times for public inspection.

1901, c. 1, ss. 4, 6; 1911, c. 118.

4067. SELECTION AND ADOPTION OF BOOKS BY THE COMMISSION AND THE SUBCOMMISSION. The commission and subcommission in their selection and adoption of a uniform series of text-books shall consider the merits of the books, taking into consideration their subject matter, the printing, binding, material, and mechanical quality, their general suitability and desirability for the purposes intended, and the price. The Text-book Commission and the subcommission in joint session shall select and adopt such books as will, in their judgment best accomplish the ends desired; and in case any books are deemed by them suitable for adoption and more desirable than other books of the same class or division submitted, and in case they consider the price at which such books are offered to be unreasonably high, and that the same should be offered at a smaller price, they are hereby authorized and directed to notify immediately the publishers of such books of their decision, and request such reduction in price as they deem reasonable or just; and if they shall agree on a price with such publishers they may adopt such books; but upon failure to agree upon price, they shall use their sound judgment and discretion as to the adoption of those or of other books deemed by them to be the next best in the list submitted.

1911, c. 118, s. 1, par. (h).

4068. ADVERTISEMENT FOR BIDS. At any time within six months before the expiration of the now existing contracts, the commission shall advertise, in such manner and for such a length of time and at such places as may be deemed advisable, that at a time and place fixed definitely in the advertisement sealed bids or proposals will be received from the publishers of school text-books for furnishing books to the public schools in the State of North Carolina, through agencies established by the publishers in the several counties, and in the several places in the counties of the State as may be

provided for in such regulations as the commission may adopt and prescribe. The advertisement shall also state in substance the requirements of the next succeeding section and shall reserve the right to the commission to reject all bids.

1901, c. 1, ss. 1, 7, 11, 14; 1911, c. 118.

4069. **BIDS, HOW MADE; CONTENTS OF.** The bids or proposals shall be for furnishing books for a period of five years, and no longer, and no bid for a longer period shall be considered. The bids shall state specifically and definitely the price at which books are to be furnished, and shall be accompanied by ten or more specimen copies of each and every book proposed to be furnished; and it shall be required of each bidder to deposit with the Treasurer of the State a sum of money, such as the commission may require, not less than five hundred nor more than twenty-five hundred dollars, according to the number of books each bidder may propose to supply, and such deposits shall be forfeited absolutely to the State if the bidder making the deposit of any sum shall fail or refuse to make and execute such contract and bond, as is hereinafter required, within such time as the commission shall require. All bids shall be sealed and deposited with the Secretary of State, to be by him delivered to the commission when in executive session, for the purpose of considering the same, when they shall be opened in the presence of the commission; and each person or publisher making a bid for the supplying of any books shall state in such bid or proposal the exchange price at which such books shall be furnished. It shall be the duty of the Secretary of State to carefully preserve in his office, as the standard of quality and excellence to be maintained in such book during the continuance of the contracts for furnishing the same, the specimen or sample copies of all books which have been the basis of any contract, together with the original bid or proposal.

1901, c. 1, ss. 7, 9, 10.

4070. **BIDS AND PROPOSALS MAY BE REJECTED.** The commission shall have and reserve the right to reject any and all bids or proposals if of the opinion that any or all should for any reason be rejected; and, in case it fail from among the bids or proposals submitted to select or adopt any books upon any of the branches prescribed by this chapter, may readvertise for sealed bids or proposals, under the same terms and conditions as before, and proceed with its investigations in all respects as in the first instance and as required by the terms and provisions of this chapter; and the commission shall have and reserve the same rights in cases of advertisement for and presentation of bids and proposals for manuscripts and unpublished books hereinafter provided for in this chapter.

1901, c. 1, s. 11.

4071. **MANUSCRIPTS AND UNPRINTED BOOKS MAY BE ADOPTED.** In the event that the commission rejects the bid for furnishing any book, or in case it fail to adopt any book of the classes required, it may advertise for sealed bids or proposals from authors or publishers of text-books who have manuscripts or books not yet published, for prices at which they will publish and furnish in book form such manuscripts for use in the public schools of North Carolina, proceeding in like manner as in bids for furnishing books; but the State itself shall not under any circumstances enter into any contract binding it to pay for the publication of any book, but in the contract with the owner of the manuscript it shall be provided that he shall pay the compensation to the publisher for the publication and putting in book form

the manuscript, together with the cost and expense of copyrighting the same. All such bids or proposals shall be accompanied with a cash deposit of from five hundred to twenty-five hundred dollars, as the commission may direct and as heretofore provided in this chapter; and it is expressly provided that any person now doing business or proposing to do business in this State shall have the right to bid for the contract to be awarded hereunder in manner as follows: In response to the advertisement such person may submit his written bid to edit or have edited, published and supplied for use in the public schools in this State any book provided for hereunder. Instead of filing with the bid or proposal a sample or specimen or copy of each book proposed to be furnished, he may exhibit to the commission, in manuscript or printed form, the matter proposed to be incorporated in any book, together with such a description and illustration of the form and style thereof as will be fully intelligible and satisfactory to the commission, or he may submit a book the equal of which in every way he proposes to furnish, and he shall accompany his bid or proposal with the cash deposit hereinbefore required. All such books and manuscripts shall be examined and reported upon by the subcommission before being adopted.

1901, c. 1, s. 11.

4072. COMMISSION TO DELIVER SAMPLE BOOKS TO SUBCOMMISSION. It shall be the duty of the commission to meet at the time and place designated in the advertisement and take out the sample or specimen copies submitted, upon which the bids are based, and refer and submit them to the subcommission, as provided for and directed in this chapter, with instructions to the subcommission to report at a time specified, with the classification and recommendation, as provided in this chapter.

1901, c. 1, s. 8.

4073. ADOPTION OF BOOKS. When the report of the subcommission is submitted it shall be the duty of the commission and the subcommission to meet in joint executive session to open and examine all sealed proposals submitted and received in pursuance of the notice or advertisement provided for in this chapter. It shall be the duty of the commission and the subcommission to examine and consider all such bids or proposals, together with the report and recommendation of the subcommission, and determine, in the manner provided in this chapter, what books, upon the branches hereinabove mentioned, shall be selected for adoption, taking into consideration the size, quality as to the subject matter, material, printing, binding and the mechanical execution, and price, and the general suitability for the purpose desired and intended. After the selection or adoption shall have been made, the commission shall award the contracts, and shall by registered letter notify the publishers or proposers to whom the contracts have been awarded. But the commission shall not in any case contract with any person for the use of any book which shall be sold to patrons for use in any public school in the State in excess of the price at which such book is to be furnished by such person, under contract, to any state, county or school district in the United States under like conditions as those prevailing in this State and under this chapter.

1901, c. 1, ss. 8, 9; 1911, c. 118.

4074. CONTRACT, HOW EXECUTED. Upon the awarding of the contracts it shall be the duty of the Attorney-General to prepare the same in accordance with the terms and provisions of this chapter. On behalf of the State the

contracts shall be executed by the Governor and Secretary of State, and the seal of the State shall be set thereto. All such contracts shall be executed in triplicate, of which one shall be kept by the secretary of the commission, one shall be filed in the office of the Secretary of State, and one shall be retained by the contracting party. All contracts entered into or renewed under the provisions of this chapter shall be for the term of five years.

1901, c. 1, ss. 8, 14.

4075. CONTRACT; STIPULATIONS AS TO PRICES AND EXCHANGE OF BOOKS. It shall be stipulated in each contract that the contractor has never furnished and is not now furnishing under contract any State, county or school district in the United States, where like conditions prevail as are then prevailing in this State and under this chapter, the same books as are embraced in the contract at a price below that stipulated in the contract; and the commission is hereby authorized and directed, at any time that it may find that any books have been sold at a lower price under contract to any state, county or school district, to sue upon the bond of the contractor and recover the difference between the contract and the lower price for which books have been sold; and it shall also be stipulated in the contract that the contractor shall take up school books in use in this State at the date of such contract, and receive the same in exchange for new books, allowing a price for such old books not less than fifty per cent of the contract price of the new books.

1901, c. 1, ss. 9, 10.

4076. CONTRACT, AS TO LIABILITY OF STATE. It shall always be a part of the terms and conditions of every contract made in pursuance of this chapter that the State of North Carolina shall not be liable to any contractor in any manner for any sum whatever, but all such contractors shall receive their pay and compensation solely and exclusively from the proceeds of the sale of books, as provided for in this chapter.

1901, c. 1, s. 10.

4077. CONTRACTS MAY BE CHANGED OR ALTERED. Nothing in this chapter shall prevent the commission and any contractor agreeing thereto from in any manner changing or altering any contract, if four members of the commission shall agree to the change and think it advisable and for the best interest of the public schools of the State.

1901, c. 1, s. 9.

4078. BOOKS MUST COME UP TO SAMPLE. The books furnished under any contract shall at all times during the existence of the contract in all respects be equal to the specimen or sample copies furnished with the bid.

1901, c. 1, s. 9.

4079. BOND OF CONTRACTOR. At the time of the execution of the contract the contractor shall enter into a bond in the sum of not less than ten thousand dollars, payable to the State of North Carolina, the amount of the bond within such limits to be fixed by the commission, conditioned for the faithful, honest and exact performance of his contract, and shall further provide for the payment of reasonable attorneys' fees in case of recovery in any suit upon the same, with three or more good and solvent sureties, actual citizens and residents of this State, or any guaranty company authorized to do business in this State may become the surety on such bond; and it shall be the duty of the Attorney-General to prepare and approve such bonds. The commission may at any time, by giving thirty days notice, require additional security or additional bond.

1901, c. 1, ss. 8, 9.

4080. ACTIONS ON THE BOND. In case any contractor shall fail to execute specifically the terms and provisions of his contract, the commission is hereby empowered and directed to bring an action upon the bond of such contractor for the recovery of any and all damages. Such action shall be in the name of the State of North Carolina, and the recovery shall be for the benefit of the public school fund of the State and counties, and when collected shall be placed in the treasury of the school fund. The bond shall not be exhausted by a single recovery, but may be sued on from time to time until the full amount thereof shall be recovered. And it is expressly provided that should any party contracting to furnish books, as provided for in this chapter, fail to furnish them or otherwise break his contract, in addition to the right of the State to sue on the bond hereinabove required, the chairman of the county board of education or any member thereof may sue in the name of the State in the courts of the State having jurisdiction, and recover on such bond the full value of the books so failed to be furnished, for the use and benefit of the school fund of the county. In all such cases service of process may be made on any agent or contractor in the county, or if no agent is in the county, then service may be made on any agent in charge of any depository, and such service shall be and stand in the place of service on the defendant contractor.

1901, c. 1, ss. 8, 9, 13.

4081. DEPOSITS BY BIDDERS, WHEN RETURNED AND WHEN FORFEITED. When any person shall have been awarded a contract and shall have given the bond required, the commission, through its secretary, shall so inform the Treasurer of the State, and it shall then be the duty of the Treasurer to return to such contractor the cash deposit made by him; and the commission, through its secretary, shall inform the Treasurer of the names of the unsuccessful bidders or proposers, and the Treasurer shall, upon the receipt of this notice, return to them the amounts deposited by them in cash at the time of the submission of their bids. But should any person fail or refuse to execute a contract and give the bond, as required by this chapter, within thirty days after the awarding of the contract to him and the mailing of the registered letter containing notice thereof, which shall be sufficient evidence that the notice was given and received, the cash deposit shall be deemed and is hereby declared forfeited to the State of North Carolina and it shall be the duty of the Treasurer to place such cash deposit in the treasury of the State, to the credit of the school fund.

1901, c. 1, s. 8.

4082. PRICES TO BE PRINTED ON BOOKS. It shall be the duty of all contractors to print plainly on the back of each book the contract price, as well as the exchange price at which it is agreed to be furnished, but the books submitted as sample or specimen copies with the original bid shall not have the price printed on them before they are submitted to the subcommission; and all books shall be sold to the consumer at the retail contract price, and on each book shall be printed the following: "The price fixed hereon is fixed by State contract, and any deviation therefrom should be reported to your county superintendent of public instruction or to the State Superintendent at Raleigh."

1901, c. 1, ss. 9, 13, 19.

4083. AGENCIES FOR THE DISTRIBUTION OF BOOKS TO PATRONS OF PUBLIC SCHOOL; PENALTY. There shall be maintained in each county in the State

not less than one and as many more agencies as the commission, upon recommendation of the county board of education, shall order, to be located at such points as the county board may recommend, for the distribution of books to the patrons, or the contractor shall be permitted to make arrangements with merchants or others for the handling and distribution of the books; and parties living in the county where no agency has been established or no arrangement made for distribution may order the same from one of the contractors, and it shall be the duty of the contractor or contractors to deliver any book so ordered to the person ordering, to his post-office address, freight, express, postage or other charges prepaid, at the retail contract price, if the price of the books so ordered shall be paid in advance. The contractors shall maintain one or more joint State depositories at some convenient distributing point or points in the State, at which shall be kept at all times an ample supply of all adopted books for the convenient and expeditious supply of books to the local depositories in the various counties of the State. Whenever demanded and certified by the county superintendent of public instruction of any county to be necessary, to secure and keep on hand an ample supply of books at any local depository, the contractors shall furnish books to such local depository upon consignment. And every contractor shall be required to keep on hand at all times at every established agency in every county an ample supply of books to meet all demands of patrons and purchasers, and upon failure to do so, or upon failure to establish agencies when ordered to do so by the commission, as directed herein, the contractor shall be liable to a penalty of five hundred dollars for each and every failure to comply with the provisions of this section, to be sued for by the Attorney-General in the name of the State in the Superior Court of the county of Wake, for the benefit of the school fund of the county injured by such failure; and if any contractor against whom judgment shall be obtained for such penalty shall fail to pay the same within thirty days after the docketing thereof, he shall forfeit his contract, and the commission shall so declare, and shall thereupon proceed to make a new contract for books with some other contractor. The county superintendent shall notify the contractors annually of the date of opening the public schools, at least thirty days before they open.

1901, c. 1, s. 13; 1903, c. 691, ss. 1, 2; 1911, c. 118, s. 1, par. (1).

4084. CONTRACT PROCLAIMED BY GOVERNOR; NOTICES ISSUED BY STATE SUPERINTENDENT. As soon as the commission shall have entered into a contract for the furnishing or supplying of books for use in public schools it shall be the duty of the Governor to issue his proclamation announcing such fact to the people of the State; and as soon thereafter as practicable the State Superintendent shall issue a circular letter to each county superintendent in the State and to such others as he may desire, which letter shall contain the list of books adopted, the prices, location of agencies, and method of distribution, and such other information as he may deem necessary.

1901, c. 1, ss. 12, 15.

PUBLIC HIGH SCHOOL LAW

AN ACT TO STIMULATE HIGH SCHOOL INSTRUCTION IN THE PUBLIC SCHOOLS OF THE STATE, AND TEACHER TRAINING.

The General Assembly of North Carolina do enact:

HIGH SCHOOLS ESTABLISHED BY COUNTY BOARD WITH CONSENT OF STATE BOARD—
NOT MORE THAN FOUR SCHOOLS TO A COUNTY.

SECTION 1. With the consent of the State Board of Education, the county board of education in any county may in its discretion establish and maintain, for a term of not less than seven school months in each school year, one or more public high schools for the county, at such place or places as shall be most convenient for the pupils entitled to attend and most conducive to the purposes of said school or schools: *Provided, that not more than four public high schools in any one county shall be entitled under the provisions of this act to receive State aid.*

HIGH SCHOOL COMMITTEE TO CONSIST OF THREE PERSONS.

SEC. 2. For each public high school established under this act a committee of three persons shall be appointed by the county board of education, who shall be known as the School Committee of.....Public High School of.....County. The powers, duties and qualifications of said committeemen shall be similar to those of other public school committeemen. They shall be appointed as follows: one for a term of two years, one for a term of four years, and one for a term of six years; and at the expiration of the term of any committeeman his successor shall be appointed for a term of six years: *Provided, that in case of death or resignation of any committeeman his successor shall be appointed for the unexpired term only.* Within two weeks after appointment the committee shall meet and elect a chairman and a secretary and enter upon the performance of their duties: *Provided further, that the board of trustees or school committee of any chartered school receiving aid under this act shall serve as the high school committee for said school.*

RULES, REGULATIONS, AND COURSE OF STUDY.

SEC. 3. All public high schools established and maintained under the provisions of this act shall be operated by the county board of education, under such general rules and regulations as may be prescribed by the State Board of Education. The courses of study for such high schools and the requirements for admission to them shall be prescribed by the State Superintendent of Public Instruction.

SCHOOLS UNDER STATE SUPERVISION—TEACHERS MUST HOLD CERTIFICATES FROM
STATE BOARD OF EXAMINERS.

SEC. 4. It shall be the duty of the county board of education to locate all high schools established under this act, to furnish the State Superintendent of Public Instruction with such information relative to said schools as he may require, and to make such local rules and regulations for the conduct

of said schools as may be necessary: *Provided*, all public high schools established and aided under this act shall be subject to such inspection as may be directed by the State Superintendent of Public Instruction and shall make such reports as shall be required by him: *Provided further*, that no one shall teach in any public high school that receives State funds under this act who does not hold a high school teacher's certificate from the State Board of Examiners, who shall have power to prescribe a standard of scholarship and examination for same; and *Provided further*, that no one shall be employed as teacher in such high school without the approval of the county superintendent.

HIGH SCHOOLS AIDED MUST HAVE THREE FULL-TIME TEACHERS; TWO IN LOWER GRADES AND AT LEAST ONE IN HIGH SCHOOL.

SEC. 5. No public high school shall be established or maintained under this act in connection with any public elementary school having an annual school term of less than seven months; and every public elementary school operated in connection with a public high school established under this act shall have at least two teachers giving their full time to instruction in the branches of study required to be taught in the public elementary schools of the State; and no public high school shall be entitled to the benefits of this act that does not have at least one duly licensed high school teacher giving his full time to instruction in the high school branches as outlined by the State Superintendent of Public Instruction: *Provided*, that this section shall not be construed to prevent the principal of a public high school from serving as principal of the public elementary school operated in connection therewith to the extent of exercising supervisory and disciplinary functions over said public elementary school.

HIGH SCHOOLS NOT TO BE AIDED IN TOWNS OF MORE THAN TWELVE HUNDRED INHABITANTS; BUT COUNTY BOARD MAY APPROVE ONE CITY HIGH SCHOOL OF STANDARD GRADE FOR PURPOSES OF THIS ACT.

SEC. 6. (SUBSTITUTE FOR.) Public high schools shall not be established and aided under this act in towns or cities of more than twelve hundred inhabitants, except as is hereinafter provided in this section: *Provided*, that the county board of education may approve for the purposes of this act one regularly organized town or city high school of standard grade and may enter into agreement or contract with the board of trustees or committee of said high school whereby students of high school age and grade residing outside the limits of said high school district and public school teachers of the county, may be permitted to attend for the full term each year said high school free of tuition. But no such contract or agreement shall entitle such high school to the benefits of this act until said contract or agreement shall have been approved by the State Board of Education. And when such contract or agreement shall have been approved by the State Board of Education said town or city high school shall be subject to the provisions and entitled to the benefits of this act: *Provided further*, that said town or city high school shall maintain an average daily attendance for the full term of at least ten high school students from outside the local district.

HIGH SCHOOL FUNDS: HOW RAISED—COUNTY AND DISTRICT EACH REQUIRED TO PUT UP AS MUCH AS THE STATE GIVES—STATE AID: MINIMUM, \$200; MAXIMUM, \$600.

SEC. 7. (SUBSTITUTE FOR.) *Before any public high school shall be entitled to receive State aid under the provisions of this act, its application therefor shall have been approved by both the county board of education and the State Board of Education; and the amount of State aid to be given shall be determined by the State Board of Education, and the county board of education shall apportion to each public high school out of the general county fund at least as much as the State apportions to said high school; and the local committee of each public high school receiving State aid under the provisions of this act shall apportion out of the local school fund raised by special tax, or shall raise by private donation or otherwise, at least as much as the State Board of Education apportions to said high school under the provisions of the act; and when the high school committee shall deposit its apportionment with the treasurer to be placed to the credit of said public high school, the county board of education shall make an apportionment out of the general school fund of the county as provided herein, and deposit same with the treasurer to the credit of said public high school. When the treasurer and the county superintendent shall certify to the State Superintendent of Public Instruction that the apportionments by the local committee and the county board of education, herein required, have been duly authorized for any high school, a State warrant shall be issued upon the requisition of the State Superintendent of Public Instruction for such an amount as the State Board of Education shall have approved under the provisions of this act and sent to the treasurer to be placed to the credit of said public high school. All high school funds herein provided and placed to the credit of any high school shall be used exclusively for the payment of teachers' salaries in said high school and for such necessary incidental expenses as may be approved by the State Superintendent of Public Instruction; and said high school funds shall be paid out by the treasurer for the purposes herein specified only upon the order of the public high school committee, approved by the county superintendent of schools: Provided, that the amount apportioned by the State Board of Education to any public high school, maintained under the provisions of this act, shall not be less than two hundred dollars nor more than six hundred dollars for any year: Provided further, that after a public high school has been approved and established under the provisions of this act, it shall not be discontinued by the county board of education without the consent and approval of the State Board of Education.*

TREASURER REQUIRED TO KEEP SEPARATE ACCOUNT OF FUNDS FOR EACH HIGH SCHOOL
—MUST REPORT FIRST MONDAY IN JULY.

SEC. 8. (SUBSTITUTE FOR.) *The treasurer of the county school fund, or in counties in which the office of treasurer has been abolished, any bank or other corporation handling the public school funds shall be treasurer of the public high school fund, except as is hereinafter provided. He shall keep a separate account of the funds of each public high school, and shall on the first Monday in July of each year, make to the county board of education and to the State Superintendent of Public Instruction a report of all receipts and expenditures of said fund for each separate high school for the preceding*

year: Provided, that the treasurer of any chartered school receiving State aid under the provisions of this act, may in the discretion of the State Board of Education, serve as treasurer of the public high school fund, but shall receive no commission for disbursing the funds apportioned by the county and the State under the provisions of this act.

HIGH SCHOOLS MUST MAKE AVERAGE ATTENDANCE OF AT LEAST TWENTY—AMOUNT OF APPORTIONMENT CONDITIONED ON ATTENDANCE, NUMBER OF TEACHERS, GRADE AND CHARACTER OF WORK.

SEC. 9. *Every public high school receiving State aid under this act shall maintain an average daily attendance of at least twenty high school students for the required term, and any public high school making any average daily attendance of less than twenty students for the required term shall not be entitled to receive State aid under this act; and any additional amount beyond the minimum apportioned to any public high school under the provisions of this act shall be conditioned, first, upon the average daily attendance above the required minimum for the preceding school year; second, upon the number of full-time high school teachers employed; and third, upon the grade and character of work done by said public high school.*

SUM OF SEVENTY-FIVE THOUSAND DOLLARS ANNUALLY APPROPRIATED.

SEC. 10. The sum of seventy-five thousand dollars, or so much thereof as may be necessary, is hereby annually appropriated for the purposes of high school instruction and teacher training provided for in this act. The State Board of Education shall have the power to fix such rules and regulations, in accordance with the provisions of this act, as may be necessary for the proper distribution of this fund.

[Sections 11 to 18, inclusive, relate only to the East Carolina Teachers' Training School.]

SEC. 19. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this the 8th day of March, A. D. 1907.

1907, c. 820; 1909, c. 525; 1911, c. 135; 1913, c. 149; 1915, c. 236.

DEAF CHILDREN MUST ATTEND SCHOOL

AN ACT TO COMPEL WHITE DEAF CHILDREN TO ATTEND SCHOOL.

The General Assembly of North Carolina do enact:

SECTION 1. That every deaf child of sound mind in North Carolina shall attend a school for the deaf at least five school terms of nine months each, between the ages of eight years and fifteen years.

SEC. 2. That parents, guardians or custodians of a deaf child or deaf children between the ages of eight and fifteen years shall send said child or children, or cause to be sent, to some school for the instruction of the deaf, at least five terms or sessions of nine months each, between the ages of eight years and fifteen years.

SEC. 3. That parents, guardians or custodians of any deaf children between the ages provided in section two of this act failing to send said deaf child or deaf children to some school for instruction, as provided in this act, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, at the discretion of the court, for each year said deaf child is kept out of school, between the ages herein provided: *Provided*, that said parents, guardians or custodians may elect two years between said ages of eight and fifteen years that a deaf child or deaf children may remain out of school: *Provided, further*, that this section shall not apply to or be enforced against the parent, guardian or custodian of any deaf child until such time as the superintendent of any school for the instruction of the deaf, by and with the approval of the executive committee of such institution, shall in his and their discretion serve written notice on such parent, guardian or custodian, directing that such child be sent to the institution whereof they have charge.

SEC. 4. That it shall be the duty of the school census taker to report name, age and sex of each deaf child in his district, and name of parents, guardians or custodians and their post-office address, to the county superintendent of education, who shall send said report of names and addresses to the Superintendent of the North Carolina School for the Deaf located at Morganton, N. C.; that said census taker or county superintendent failing to make reports as provided in this act shall be fined five dollars (\$5) for each white deaf child not so reported.

SEC. 5. That said fine as provided in section three (3) of this act and said fine of five dollars (\$5) provided in section four (4) of this act, when collected, shall be paid to the public school fund of the county in which such child lives.

SEC. 6. That this act shall take effect the first day of September, 1907.
1907, c. 1007; 1915, c. 14.

SCIENTIFIC TEMPERANCE INSTRUCTION

AN ACT RELATING TO SCIENTIFIC TEMPERANCE INSTRUCTION IN THE PUBLIC SCHOOLS.

The General Assembly of North Carolina do enact:

SECTION 1. In addition to the branches in which instruction is now required by law to be given in all schools supported wholly or in part by public money, instruction shall also be given as to the nature of alcoholic drinks and other narcotics and their effect upon the human system, in connection with the various divisions of physiology and hygiene, and such subject shall be taught in each school year below the second year in the high schools, and shall be taught as thoroughly as arithmetic and geography are taught in said schools: *Provided*, that the minimum amount of such instruction shall be two lessons each week for ten weeks, or the equivalent of the same, in schools employing one teacher, and three lessons each week for ten weeks, or the equivalent of the same, in schools employing two or more teachers. Such instruction shall be given by the use of text-books in the hands of all pupils in all grades from the fourth grade to the first year in the high school, inclusive, or in corresponding classes in graded schools, and orally to all pupils in the first three or primary grades, by teachers using text-books adapted to such oral instruction as a guide and standard; and all pupils must pass such tests as may be required in other studies before promoting to the next succeeding year's work, and such instruction shall be given as aforesaid to all pupils in all public schools of the State.

SEC. 2. The text-books used for the instruction required to be given by the preceding section shall be graded to the capacities of the pupils, and for students below high school grade such text-books shall give at least one-fifth their space, and for students of fifth school grade they shall give not less than twenty pages to the nature and effects of alcoholic drinks and other narcotics; but no book in which the required amount of this subject shall appear, in whole or part, as a separate chapter at the end of the book shall be considered as complying with the requirements of this statute, and no topical outline of study for the guidance of teachers which reduces the amount of temperance instruction below that which is required by the text-books provided for in this act shall be considered as complying with the intent of the law. No text-book on physiology and hygiene not conforming to this act shall be used in the public schools except so long as may be necessary to fulfill the conditions of any legal adoption existing at the time of the passage of this act.

SEC. 3. In all normal schools, teachers' training classes, teachers' institutes, teachers' associations, summer schools and all other organizations for the equipment of teachers, adequate time and attention shall be given to instruction in the best methods of teaching physiology and hygiene, with special reference to the nature of alcoholic drinks and other narcotics; and no teacher shall be licensed who has not passed a satisfactory examination in this subject and the best method of teaching it.

SEC. 4. That it shall be the duty of the proper officer in control of any school or schools described in the first and third sections of this act to enforce the provisions of this act; and any such officer, school director, committee, superintendent or teacher who shall refuse or neglect to comply with the requirements of this act or shall neglect or fail to make proper provision for the instruction required and in the manner specified by this act for all pupils in each and every school under his control and supervision shall be removed from office and the vacancy filled as in other cases; and if it be satisfactorily proved that trustees or board of education or board of educational institutions, receiving money from the State have failed to enforce this act, as far as they have authority, it shall be deemed sufficient cause for withholding the warrant for the State appropriation of school money to which such district or educational institution would otherwise be entitled.

SEC. 5. This act shall be in full force from and after its ratification.

In the General Assembly read three times and ratified this the 11th day of March, A. D. 1907.

1907, c. 957.

HEALTH LAW

SEC. 9. COUNTY BOARD OF HEALTH, WHO CONSTITUTES; ELECTION COUNTY PHYSICIANS. The chairman of the board of county commissioners, the mayor of the county town, and in county towns where there is no mayor the clerk of the Superior Court, and the county superintendent of schools shall meet together on the first Monday in April, one thousand nine hundred and eleven, and thereafter on the first Monday of January in the odd years of the calendar, and elect from the regularly registered physicians of the county, two physicians, who, with themselves, shall constitute the county board of health. The chairman of the board of county commissioners shall be the chairman of the county board of health, and the presence of three members at any regular or called meeting shall constitute a quorum. The term of office of members of the county board of health shall terminate on the first Monday in January in the odd years of the calendar, and while on duty they shall receive four dollars *per diem*, to be paid by the county. The county board of health shall have the immediate care and responsibility of the health interests of their county. They shall meet annually in the county town, and three members of the board are authorized to call a meeting of the board whenever in their opinion the public health interest of the county requires it. They shall make such rules and regulations, pay such fees and salary, and impose such penalties as in their judgment may be necessary to protect and advance the public health: *Provided*, that all expenditures shall be approved by the board of county commissioners before being paid. The board of health shall meet on the first Monday of July, one thousand nine hundred and thirteen, and thereafter on the second Monday of January in the odd years of the calendar, and elect either a county physician *whose tenure of service shall be terminable at the pleasure of the County board of health* or county health officer, who shall serve thereafter until the second Monday in January of the odd years of the calendar: *Provided*, that if the county board of health of any county shall fail to elect a county physician or a county health officer within two calendar months of the time set in this section the Secretary of the State Board of Health shall appoint a registered physician of good standing in the said county to the office of county physician, who shall serve the remainder of the two years, and shall fix his compensation to be paid by said county in proportion to the compensation paid by other counties for like service, having in view the amount of tax collected by said county.

SEC. 10. RULES OF THE COUNTY BOARD OF HEALTH. If any person shall violate the rules and regulations made by the county board of health he shall be guilty of a misdemeanor, and fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

SEC. 11. DUTIES OF PHYSICIANS AND HEALTH OFFICERS, PENALTY FOR NON-PERFORMANCE. The duties of the county physicians shall be to make the medico-legal *post mortem* examinations for the coroners' inquests, to make examination of lunatics for commitment, to render professional service to the sick inmates of the convict camp, jail, and county home, upon request of the superintendent or the keeper of these institutions, and to determine the nature of any particular disease, upon request of the quarantine officer

or the deputy quarantine officer: *Provided*, that the county physician shall have the right to employ any other regularly registered physician of his county to perform any or all of the duties pertaining to the jail, county home, or convict camp, when in his judgment it is desirable to do so: *Provided, however*, that the terms under which physician is employed by the county physician shall be approved by the board of county commissioners: *Provided further*, that if a county physician shall be employed to devote his entire time to the county public health work, he shall perform, in addition to the aforesaid duties, the duties of quarantine officer, and the following additional duties: he shall make a sanitary examination during the summer months of every public school building and grounds in the county, and no school committee or teacher shall make use of any school building or grounds until the county superintendent of health shall certify in writing that said building and grounds have been inspected and found to be in a satisfactory sanitary condition within four months of the date of the certificate. He shall examine every school child that has previously been examined by the teacher according to methods furnished said teacher by the county superintendent of schools, and reported to said county superintendent of schools as probably defective in the condition of its eyes, ears, nose, or throat, and he shall further endeavor to have examined the feces of every child whom he suspects of having hookworm disease. He shall notify on blank forms and in accordance with instructions furnished by the State Department of Public Instruction, every parent or guardian of a child having any defect of the aforesaid organs, or hookworm disease, and he shall suggest to said parent or guardian the proper course of treatment and urge that such treatment be procured. He shall coöperate fully with the county board of education, the county superintendent of schools, and the teachers in the public schools, to the end that children may be better informed in regard to the importance of health and the methods of preventing disease. He shall, through the county press, public addresses, and in every available way, endeavor to educate the people of his county to set a higher value on health, and to adopt such public and private measures as will tend to a greater conservation of life. Any violation of this section shall constitute a misdemeanor, and shall subject the defendant to a fine of not less than ten dollars nor more than fifty dollars.

1911, c. 62; 1915, c. 233.

SPECIAL COUNTY TAXATION FOR SCHOOLS

AN ACT TO AUTHORIZE ANY COUNTY IN NORTH CAROLINA TO VOTE UPON THE LEVYING AND COLLECTION OF A SPECIAL TAX ON PROPERTY AND POLLS TO SUPPLEMENT THE COUNTY SCHOOL FUND OF SAID COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the county commissioners of any county, upon the petition of the county board of education of said county, may order an election to be held in said county to ascertain the will of the people whether there shall be levied on all taxable property and polls of said county a special tax, not to exceed thirty cents on the one hundred dollars valuation of property and ninety cents on each poll, to supplement the county school fund of said county.

SEC. 2. That said election shall be conducted for the county as nearly as may be under the same rules and regulations governing district special school tax elections, as set out in section four thousand one hundred and fifteen of The Revisal of one thousand nine hundred and five of North Carolina.

SEC. 3. That in case a majority of the qualified voters at said election shall vote in favor of said tax, the same shall be annually levied and collected in the same manner and at the same time as other taxes of the county are levied and collected.

SEC. 4. That in case a majority of the qualified voters at said election in any township of said county shall vote for said special tax, the same shall be annually levied and collected in said township in the same manner and at the same time as other taxes are levied and collected, and used to supplement the school fund of said township.

SEC. 5. That in case a majority of the qualified voters at said election in any township or in the entire county shall vote in favor of said special tax, on petition of a majority of the members of the board of trustees or the school committee of any existing special tax district within said township or county so voting, the county commissioners shall reduce the annual special local tax levy of said district by an amount not exceeding the special levy provided for the county or township under this act.

SEC. 6. That in case a majority of the qualified voters at said election in any county shall fail to vote for said special tax, on petition of a majority of the members of the county board of education of said county, the county commissioners may, after thirty days notice, order an election in any subsequent year after the first election for the same purpose and under the same regulations as the first election herein provided for in any or all of the townships of said county that shall have failed to carry said special tax in the former election.

SEC. 7. That the expense of holding said election shall be paid out of the county school fund of said county.

SEC. 8. That this act shall be in full force and effect from and after its ratification.

Ratified this the 3d day of March, A. D. 1911.

1911, c. 71.

SIX MONTHS SCHOOL LAW

AN ACT TO PROVIDE FOR A SIX MONTHS SCHOOL TERM IN EVERY PUBLIC SCHOOL DISTRICT OF THE STATE.

The General Assembly of North Carolina do enact:

PER CAPITA STATE APPROPRIATION OF TWO HUNDRED AND FIFTY THOUSAND DOLLARS.

SECTION 1. That two hundred and fifty thousand dollars be, and the same is, hereby appropriated annually out of the state treasury for the benefit of the public schools, to be apportioned by the State Board of Education to the respective counties of the State per capita as to school population on the first Monday in January of each year, using the school census of the preceding scholastic year as the basis of apportionment: *Provided*, that the State Board of Education shall annually deduct from said appropriation, before the apportionment thereof, the sum of one thousand five hundred dollars to be used in part payment of the salary and expenses of the Superintendent of the State Colored Normal Schools and inspector and director of the county teachers' institutes and of the teacher-training work of the State, and shall also deduct therefrom biennially in advance seven thousand five hundred dollars to be used for the establishment of rural libraries as provided in section four thousand one hundred and seventy-nine of The Revisal of one thousand nine hundred and five of North Carolina.

WARRANTS, HOW ISSUED.

SEC. 2. Upon requisition of the Superintendent of Public Instruction, the State Auditor shall issue his warrant upon the State Treasurer for the amount due each county, payable to the county treasurer, to be credited to the general public school fund of said county.

STATE EQUALIZING SCHOOL FUND CREATED.

SEC. 3. There shall be set aside annually five cents of the annual *ad valorem* tax levied and collected for State purposes on every one hundred dollars value of real and personal property in this State, and the funds annually arising from said tax shall be held by the State Treasurer as a fund separate and apart from all other funds for State purposes, and shall be known as "The State Equalizing School Fund," and shall be used, as hereinafter directed, to provide a six months school term in every school district in the State, or as nearly a six months term as said funds will provide.

APPROPRIATION OF EQUALIZING FUND—METHOD AND CONDITIONS.

SEC. 4. On or before the first Monday in December of each and every year the county board of education of each and every county entitled to aid from this fund shall submit to the State Board of Education, on blanks furnished for that purpose by the State Superintendent of Public Instruction, a sworn itemized statement by districts, showing the number of teachers employed in each district, the grade or class and the salary of each teacher, and such other information as may be required. Said statement shall further show under oath that provision has been made as required by law for a four

months school term in each district of said county, the rate of special tax levied therefor and the aggregate fund derived or to be derived therefrom. On or before the first Monday in February of each year the State Treasurer shall certify to the State Board of Education the amount of said state equalizing school fund derived and to be derived from said five cents property tax levied and set aside from the State tax levy on every one hundred dollars value of real and personal property in the State during the school year ending June thirtieth thereafter, and the State Board of Education shall apportion said fund among all the counties of the State that have complied with all the requirements of the law for providing a school term of four months in every school district, so as to equalize the school terms in said counties and bring the term in each legal school district in each of said counties to an equal length, bringing all terms in all districts to a minimum of six months, or as near thereto as the funds provided for this purpose render possible. The State Board of Education, however, shall apportion this fund only for the salaries of the teachers employed, and no part of said fund shall be apportioned or used for any other purpose than for the payment of the salaries of the said teachers for the period designated by the State Board of Education in the apportionment to each county. The salaries apportioned from said fund for teachers shall not exceed forty dollars per month for first grade, thirty dollars per month for second grade, and twenty dollars per month for third grade. Any balance of said fund that may remain after equalizing terms to six months as herein provided shall be apportioned among all the counties of the State per capita as to school population. *In the apportionment of the State equalizing fund the State Board of Education shall observe as the maximum that may be set aside for contingent expenses (said contingent expenses to be construed to mean all items of expenses except the apportionment for teachers' salaries and for buildings, repairs, and equipment as provided by section four thousand one hundred and sixteen of the Revisal of one thousand nine hundred and five as amended) the following: In counties with a total school fund from general county and State sources of ten thousand dollars or less, not more than twenty-five per cent thereof; in counties with a total school fund of over ten thousand dollars and less than twenty thousand dollars, not more than twenty per cent thereof; in counties with a total school fund of over twenty thousand dollars and less than thirty thousand dollars not more than seventeen and one-half per cent thereof; in counties with a total school fund of more than thirty thousand dollars and less than fifty thousand dollars not more than sixteen per cent thereof; and in counties with a total school fund of more than fifty thousand dollars not more than fifteen per cent thereof: Provided, that these maximum limits shall apply only in the apportionment of the State Equalizing Fund.*

IN APPROPRIATION OF EQUALIZING FUND, NO ACCOUNT TO BE TAKEN OF LOCAL
TAX FUNDS.

SEC. 5. In the apportionment of the county school fund and in the apportionment of funds under this act to school districts levying a special tax for their schools no account shall be taken of the funds derived from said special tax, and the authorities legally empowered to levy such special tax in such school districts are hereby authorized, upon recommendation of the school committee or board of trustees of said school districts, to reduce the rate

of the annual special tax levy therein proportionately to the increase of the funds of said district from the increased apportionment from the county and State funds and to the needs of the district: *Provided, however,* that the school term in said district shall not be reduced by said decrease in the special tax more than it is lengthened by the increased appropriation from the county and State funds.

COUNTIES THAT DO NOT HAVE FOUR MONTHS TERM AFTER LEVYING MAXIMUM RATE,
ENTITLED TO RECEIVE AID FROM THIS FUND.

SEC. 6. After any county shall have levied and collected a special tax of fifteen cents on every one hundred dollars value of property, real and personal, and forty-five cents on every taxable poll therein, to provide a four months school term in every school district, though the funds derived therefrom may be insufficient therefor, said county shall be entitled to receive from the State equalizing school fund provided under this act an apportionment for salaries of teachers for the same increased period beyond the end of its school term as it would if it had provided a full four months term in every district.

FUNDS CAN BE USED ONLY FOR TEACHERS' SALARIES.

SEC. 7. Upon requisition by the State Superintendent of Public Instruction, the State Auditor shall issue his warrant upon the State Treasurer payable to the county treasurer for the apportionment made under section four of this act to each county, and the funds when received by said county treasurer shall be placed to the credit of the county school fund of said county, to be used only for the specific purpose designated in this act; and the county treasurer is forbidden to pay any part thereof for any other purpose; the county board of education is forbidden to order the payment of any part thereof for any other purpose, and the county superintendent of public instruction is forbidden to sign any voucher for the payment of any part thereof for any other purpose than for the payment of teachers' salaries as and for the period designated. No district in any county shall be entitled to any part of said apportionment for the payment of the salary of its teachers until the committee thereof or the township committee shall have furnished to the county superintendent satisfactory evidence, sworn to if required, that the necessary funds have been provided for paying the incidental expenses of the school or schools in said district for the additional term for which teachers' salaries have been provided in said apportionment. Any county treasurer, county superintendent, or member of any county board of education violating any of the provisions of this section shall be guilty of a misdemeanor, and shall be fined or imprisoned in the discretion of the court.

FUNDS SUFFICIENT TO MAINTAIN SCHOOLS FOUR MONTHS MUST BE PROVIDED BY
COUNTY—SPECIAL TAX.

SEC. 8. Chapter five hundred and eight of the Public Laws of one thousand nine hundred and nine of North Carolina is hereby repealed, and the following is hereby substituted and enacted in lieu thereof: On or before the first Monday in June of each and every year the county board of education of each county shall ascertain the amount of money needed to maintain the public schools of such county for four months during the succeeding school

year. The county board of education, using as a basis the receipts for school purposes during the current school year ending June thirtieth thereafter, shall ascertain the amount that will be available for school purposes from the general school tax, from fines, forfeitures, and penalties, and from the annual per capita appropriation to the county from the special State appropriation for public schools under this act. If the amount received and to be received from these sources is less than the amount ascertained to be needed for a full four months school term in every public school district of the county, said county board of education shall submit to the board of county commissioners of said county an itemized statement of the amounts needed for supervision, for administration, for buildings and repairs, for salaries of teachers, and for all other expenses allowed by law. The statement shall also set forth the number of teachers, white and colored, to be employed in each district, and the salary of each teacher in each district. The limitation placed by law on each of these objects shall not be exceeded. It shall thereupon be the duty of the board of county commissioners to levy a special tax on all property, real and personal, and on all taxable polls, subject to the constitutional limitation as to poll tax, in said county sufficient to supply the deficiency needed for the support and maintenance of the public schools of said county for four months in each school district: *Provided*, that no county shall be compelled to levy a special tax of more than fifteen cents on every hundred dollars value of property, real and personal, and forty-five cents on every taxable poll for said purpose. The said tax shall be levied and collected at the same time and in the same manner as other county taxes are levied and collected, and the funds derived therefrom shall be apportioned and expended by the county board of education for maintaining one or more public schools in each school district for a term of four months in each year. In the event of a disagreement between the county board of education and the board of county commissioners as to the amount of the deficiency to be supplied for a four months school, and as to the rate of tax to be levied therefor, or of the refusal of any board of county commissioners to levy said tax, the county board of education shall bring an action in the nature of mandamus against the board of county commissioners to compel the levying of such special tax in the manner and form as provided in sections eight hundred and twenty-two and eight hundred and twenty-four of The Revisal of one thousand nine hundred and five of North Carolina, and it shall be the duty of the judge hearing the same to find the facts as to the amount needed and the amount available from the sources herein specified, which finding shall be conclusive, and to give judgment requiring the county commissioners to levy the sum which he shall find necessary to maintain the schools for four months in said county. No county shall receive any part of the State equalizing school fund provided by this act until it shall have levied the special tax herein required of it for a four months school term in every school district.

COMMISSIONERS MAY LEVY ADDITIONAL TAX FOR NECESSARY EXPENSES.

SEC. 9. That the board of commissioners of any county in North Carolina be, and they are hereby authorized and empowered to levy a special tax in excess of the constitutional limitation, not exceeding five (5) cents on the one hundred dollars (\$100) valuation of all property listed for taxation in their respective counties, to provide for any deficiency in the necessary

expenses and revenue of said respective counties, which may be caused by the provisions of this act.

CONFLICTING LAWS REPEALED.

SEC. 10. That section four thousand and ninety-seven of The Revisal of one thousand nine hundred and five of North Carolina, as amended by chapter seven hundred and seventy-nine of the Public Laws of one thousand nine hundred and nine of North Carolina, be and the same is hereby repealed, and all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 11. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this the 1st day of March, 1913.

1913, c. 33; 1915, c. 236.

COMPULSORY ATTENDANCE LAW

AN ACT TO MAKE SCHOOL ATTENDANCE COMPULSORY.

ALL CHILDREN REQUIRED TO ATTEND SCHOOL, AGE 8 TO 12, TERM FOUR MONTHS.

The General Assembly of North Carolina do enact:

SECTION 1. That from and after the first day of July, one thousand nine hundred and thirteen, every parent, guardian, or other person in the State of North Carolina having charge or control of a child or children between the ages of eight and twelve years, shall cause such child or children to attend the local public school in the district, town or city in which he resides, continuously for four months of the school term of each year, except as hereinafter provided. This period of compulsory attendance shall commence at the beginning of the compulsory period of the school term nearest to the eighth birthday of such child or children, and shall cover the compulsory period of four consecutive school years thereafter. This period of compulsory attendance for each public school shall commence at the beginning of the school term of said school unless otherwise ordered by the county board of education or, in case of towns or cities of two thousand or more inhabitants, by the board of trustees of the public schools of said towns or cities. Continuous attendance upon some other public school or upon any private or church school taught by competent teachers may be accepted in lieu of attendance upon the local public schools: *Provided*, that said period of continuous attendance upon such other school shall be for at least four months of each year: *Provided, further*, that any private or church school receiving for instruction pupils between the ages of eight and twelve years shall be required to keep such records of attendance of said children and to render such reports of same as are hereinafter required of public schools. And attendance upon such schools refusing or neglecting to keep such records and to render such reports shall not be accepted in lieu of attendance upon the local public school of the district, town or city which the child shall be entitled to attend: *Provided*, the period of compulsory attendance shall be in force and apply between the ages of eight and fifteen years in Mitchell County: *Provided, further*, that the county board of education in any county may, in its discretion, or the board of trustees of the public schools of any town of two thousand or more inhabitants may, in its discretion, extend the age limit for compulsory attendance from twelve years to thirteen or to fourteen years.

EXEMPTIONS.

SEC. 2. This act shall not apply in any case in which the child's physical or mental condition, as attested by any legally qualified physician before any court having jurisdiction under this act, renders his attendance impracticable or inexpedient; or in any case in which the child resides two and one-half miles or more by the nearest traveled route from the schoolhouse; or in any case in which, because of extreme poverty the services of such child are necessary for his own support or the support of his parents, as attested by the affidavit of said parents and of such witnesses as the attendance officer

may require; or in any case in which said parent, guardian or other person having charge or control of the child shall show before any magistrate by affidavit of himself and of such witnesses as the attendance officer may require, that the child is without necessary books and clothing for attending school, and that he is unable to provide the necessary books and clothes: *Provided*, that when books and clothing shall have been provided, through charity or by other means, the child shall no longer be exempt from attendance under this provision.

PARENTS SHALL CAUSE CHILDREN TO ATTEND SCHOOL.

SEC. 3. Every parent, guardian, or other person in the State of North Carolina having charge or control of a child or children between the ages of eight and twelve years shall cause said child to attend school as aforesaid: *Provided*, that occasional absence from such attendance by such child amounting to not more than two unexcused absences in four consecutive weeks shall not be unlawful: *Provided, further*, that the superintendent, principal or teacher in charge of any school may excuse any child for a temporary absence because of unusual storm or bad weather, sickness or death in the child's family, unforeseen or unavoidable accidents, and such excuse and reason therefor shall be recorded by said superintendent, principal, or teacher in charge of school and reported to the attendance officer as hereinafter provided: *Provided, further*, that in case of protracted illness of any child whose attendance is required under this act, or in case of quarantine of the home in which the child resides, upon report of the health officer or upon satisfactory evidence to this effect, the attendance officer shall excuse from attendance such child until he is fully restored to health or until the time required by law that he shall stay out of school after quarantine has been raised.

PENALTY FOR VIOLATION OF LAW.

SEC. 4. Any parent, guardian or other person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be liable to a fine of not less than five dollars nor more than twenty-five dollars, and upon failure or refusal to pay such fine said parent, guardian, or other person shall be imprisoned not to exceed thirty days in the county jail: *Provided*, that the fine for any first offense may, upon the payment of costs, be suspended and not collected until the same party is convicted of a second offense: *Provided, further*, that after the expiration of three days from the service of the notice by the attendance officer each and every day a parent, guardian, or other person shall willfully and unlawfully keep such child or children from school, or allow him to remain out of school, shall constitute a separate offense and shall subject said person to penalties herein prescribed.

ATTENDANCE OFFICERS, DUTIES, COMPENSATION, ETC.

SEC. 5. (SUBSTITUTE FOR.) *The county board of education in each county shall appoint and remove at will an attendance officer in each township to enforce the provisions of this act. It shall be the duty of the school committee or district to furnish each superintendent, principal, or teacher in charge of each school, and to furnish also the attendance officer of each township and the county superintendent, with an accurate school census of each school district at the opening of the school in said township or district each year. The superintendent, principal, or teacher in charge of any school*

shall at the end of each week serve written or printed notice upon every parent or guardian or other person having in charge any child within the compulsory attendance age, notifying him of the absence or absences of such child during the week and shall file copies of all such notices with the attendance officer immediately; and said parent, guardian, or person shall be required to render promptly to such superintendent, principal, or teacher in charge of the school the excuse or cause of absence of such child. The failure of such parent, guardian, or person to render satisfactory excuse within three days after the mailing or serving such notice shall be prima facie evidence of the violation of this act in case of any prosecution of such person under this act; and shall subject said person to prosecution therefor and to the payment of the costs incurred in such prosecution. The names of all persons failing to render satisfactory legal excuse shall be reported immediately to the attendance officer. Prosecutions under this act shall be brought by the attendance officer in the name of the State of North Carolina before any justice of the peace, or police justice, or recorder of any county, town, or township, in which the person prosecuted resides. Upon failure of any attendance officer to prosecute, the county superintendent, upon report and recommendation of principal or teacher in charge or of the school committee, shall prosecute for violation of this act. The attendance officer shall keep an accurate record of all notices served, all cases prosecuted, and all other services performed, and shall make an annual report of same to the county board of education. In the discretion of the county board of education, the attendance officer shall be allowed reasonable compensation from the county school fund for such services as are required of him under this act, compensation for which is not specifically provided for herein: Provided, that in case the county board of education shall appoint a school committeeman or township constable as attendance officer, the duties of such officer herein prescribed are hereby declared to be a part of his duties *ex officio*: Provided, further, that the school committee or board of trustees of any school in any town or city of five thousand or more inhabitants, operating its schools under special charter, is hereby authorized and empowered, if in their judgment such action is wise, to appoint an attendance officer for the schools under their direction, fix his compensation, and pay the same out of the special tax school funds of said town or city, and assign to him other duties in addition to those enumerated above.

TEACHERS MUST CO-OPERATE, PENALTY FOR NON-COMPLIANCE.

SEC. 6. (SUBSTITUTE FOR.) It shall be the duty of all principals and teachers to coöperate with the attendance officers in the enforcement of this law. To this end it shall be the duty of the principal or teacher in charge in every school in which pupils between the ages of eight and twelve years are instructed to keep an accurate record of the attendance of such pupils. On or before the fourth Monday of each calendar month during the compulsory attendance term of each school the superintendent, principal or teacher in charge of each school in each township shall report to the attendance officer of said township and the county superintendent the names of all children that have been absent without legal excuse during said month, the number of absences of each child together with the name of the parent, guardian, or person in charge of said child. The said township attendance officer shall immediately upon receipt of said report notify each of said parents, guardians,

or other persons having in charge such reported children to meet him at a designated place in said township at a designated hour on Saturday following said fourth Monday for the purpose of explaining the cause of such absence of such children, and said attendance officer, after hearing and passing upon the excuses rendered, shall proceed with the prosecution as provided for in this act against those parents, guardians, or other persons who fail to render legal excuse for the absence of such reported children.

Said attendance officer shall be paid out of the general school fund of the county two dollars for his services rendered on said day for said purpose. The failure of any parent, guardian, or other person in charge of any child that has been reported absent, without excuse, to meet said attendance officer on said day without satisfactory excuse rendered shall be prima facie evidence of the violation of the provisions of this act and shall subject him to prosecution hereunder and to the penalty prescribed herein. Upon the willful or negligent failure of any principal or teacher in charge of any school to comply with the provisions of this section, the county superintendent shall deduct from his or her salary for the current month the sum of five dollars before approving the voucher therefor.

LAW TO BE GIVEN WIDEST POSSIBLE CIRCULATION.

SEC. 7. It shall be the duty of the county board of education of each county to cause this act to be published in full in some newspaper published in the county, if there is one, and if there be none, then in circular form, and given the widest possible circulation at least four weeks prior to the opening of the schools for the school year beginning July first, one thousand nine hundred and thirteen, and annually thereafter, if in their discretion it seems necessary.

EXISTING LOCAL OR SPECIAL LAWS NOT AFFECTED OR REPEALED BY THIS ACT.

SEC. 8. This act shall not affect or in any part repeal any existing special or local laws requiring compulsory attendance in any county or school district: *Provided*, the provisions of this act shall apply to Mitchell County.

APPLIES TO POLK COUNTY.

SEC. 9. This bill shall apply to all children in Polk County between the ages of seven and fifteen years.

SEC. 10. Chapter eight hundred and ninety-four of the Public Local Laws of one thousand nine hundred and seven of North Carolina, as amended by chapter five hundred and twenty-five of the Public Laws of one thousand nine hundred and nine of North Carolina is hereby repealed.

BOARD GIVEN POWER TO MAKE RULES AND REGULATIONS TO SECURE ATTENDANCE.

SEC. 11. The board of education of each county shall have power at their regular meeting held in July of each year, and thereafter at any regular meeting, to make such rules and regulations as they may deem best to secure the attendance of all children between the ages of eight and twelve years upon schools of the county, and such rules and regulations, when approved by the county superintendent of public instruction, and posted at the court-

house door and at the door of each public schoolhouse in the county, shall supersede any provision of this act in conflict therewith.*

Sec. 12. This act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified this the 12th day of March, 1913.

1913, c. 173; 1915, c. 236.

*As will be seen from the State Superintendent's construction of this law, concurred in by the Attorney-General, section 11 is an enabling instead of a disabling section, allowing the county board of education discretion in the modification of the machinery of the act by the adoption of rules and regulations for its enforcement, adapted to the different conditions in different counties, but conferring no power upon the board to revoke or annul the general and fundamental provisions of the law and its clearly stated purpose of compelling the attendance of all children between the ages of eight and twelve years.

It is mandatory upon the county board of education to enforce these fundamental provisions and "to secure the attendance of all children between the ages of eight and twelve years upon the schools of the county." Read carefully the State Superintendent's official construction of this law on pages 115 et seq. of this pamphlet.

CHILD LABOR LAW

AN ACT TO REGULATE AND RESTRICT LABOR IN MANUFACTURING ESTABLISHMENTS.

The General Assembly of North Carolina do enact:

NO CHILD UNDER TWELVE PERMITTED TO WORK IN FACTORIES.

SECTION 1. That no child under twelve years of age shall be employed or work in any factory or manufacturing establishment within this State: *Provided*, that no child between the ages of twelve and thirteen shall be employed or work in a factory except in apprenticeship capacity, and only then after having attended school four months in the preceding twelve months.

NO PERSON UNDER SIXTEEN YEARS MAY WORK AT NIGHT.

SEC. 2. That no person under sixteen years of age shall be employed or permitted to work in any mill, factory or manufacturing establishment in this State between the hours of 9 p. m. and 6 a. m.

CERTIFICATES REQUIRED.

SEC. 3. That no child under sixteen years of age shall be employed or permitted to work at night, nor shall any child under the age of thirteen years be employed on day work in any mill, factory or manufacturing plant in this State unless the person, firm or corporation employing such child or permitting such child to work shall have procured and shall keep on file and accessible to any inspector of factories or other authorized officer charged with the enforcement of this act a certificate from the parent, guardian, or from person standing *in loco parentis* to any such child, which certificate shall show the name and age of such child, and in case such child is under thirteen and more than twelve years of age, said certificate must set forth the fact that such child has attended school four months in the preceding twelve months.

PENALTY FOR VIOLATION.

SEC. 4. That any person, firm or corporation, agent or manager of any firm or corporation who willfully, whether for himself or for such firm or corporation, employs or permits to work any child in violation of any of the provisions of this act, and whoever, having under his control as parent, guardian or otherwise, shall willfully set forth any false statement in the certificate of employment herein required or otherwise suffers such children to be employed or to work in violation of any of the provisions of this act, shall be guilty of a misdemeanor.

COUNTY SUPERINTENDENT MUST INVESTIGATE.

SEC. 5. That it shall be the duty of the county superintendent of public schools to investigate any violation of this act and to report the same to the solicitor of the judicial district in which said violation occurred, together with the names of all witnesses.

SEC. 6. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 7. That this act shall be in force from and after the first day of January, 1914.

In the General Assembly read three times and ratified this the sixth day of March, 1913.

GUILFORD COUNTY FARM LIFE SCHOOL LAW

Made to Apply to All Counties of the State.

AN ACT TO PROMOTE THE TEACHING OF AGRICULTURE AND DOMESTIC SCIENCE IN THE PUBLIC HIGH SCHOOLS OF GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

AGRICULTURAL INSTRUCTION AND TRAINING IN DOMESTIC SCIENCE.

SECTION 1. That there shall be maintained in one or more of the public high schools of Guilford County, complying with the provisions of this act as hereinafter set forth, a department of agricultural instruction, and a department of training in domestic science and home economics in order to better prepare the boys and girls of said county for farm life and home-making.

BOARD OF TRUSTEES.

SEC. 2. That the said school or schools shall be under the control and management of a board of trustees consisting of the members of the board of education of said county and the chairman and secretary of the board of trustees of each high school in which such departments are established.

SELECTION OF SCHOOL.

SEC. 3. That after due advertisement inviting bids from the public high schools of said county now in existence or hereafter created, the County Board of Education of Guilford County shall designate the place or places at which such agricultural or domestic science work shall be established. In designating a school, the said county board of education shall take into consideration the financial aid offered for a maintenance and equipment, desirability and suitability of location: *Provided, however,* that no such department shall be established in a school which is located in a town of more than one thousand inhabitants, nor within two miles of the corporate limits of any city or town of more than five thousand inhabitants.

MAINTENANCE OF SCHOOL, PROVISIONS, ETC.

SEC. 4. That for the maintenance of said school or schools, the County Board of Education of Guilford County shall provide annually out of the public school fund, or by donation or local tax, not exceeding twenty-five hundred (\$2,500) dollars: *Provided, however,* that the present average school term of the county shall not be shortened by the appropriation herein designated. Any school applying for the benefit to be derived under this act shall first provide a building with recitation rooms, laboratories, and apparatus necessary for efficient instruction in the prescribed subjects of study and such dormitory buildings as the county board of education of said county may require, and a farm of not less than ten acres of good arable land, said land to be situated not more than one mile from the school buildings: *Provided, however,* that before the County Board of Education of Guilford County shall designate any school as a place at which the agricultural and domestic science work shall become a part of the school curricu-

lum, it shall first submit to the State Superintendent of Public Instruction for his inspection and approval the equipment provided for said school.

PURPOSE OF SCHOOL AND COURSE OF STUDY.

SEC. 5. That the purposes of said school or schools are to give to the boys and girls such preparation as is now given in the said county public high schools, and in addition to that to give to the boys training in agricultural pursuits and farm life, and to prepare the girls for home-making and home-keeping. The course of study for the said school or schools shall be subject to the approval of the State Superintendent of Public Instruction and an advisory board of farm-life schools to be appointed by him.

FACULTY AND SCHEDULE OF WORK.

SEC. 6. That the teacher or teachers of the public high school, the teacher of agriculture, and the teacher of domestic science shall constitute the faculty of the county high school, who shall arrange the weekly schedule of work and submit such weekly schedule to the County Superintendent of Education of Guilford County for his approval.

APPROPRIATION BY STATE, PROVISIONS AND TERMS.

SEC. 7. That upon its being made to appear to the State Board of Education that Guilford County has complied with all the provisions of this act for establishment, maintenance and equipment of an agricultural department and a domestic science department in connection with one or more of the public high schools of the said county, it shall appropriate and pay to the County Board of Education of Guilford County for such purpose an amount equal to that appropriated and furnished by the county of Guilford for said work: *Provided, however,* that said appropriation by the State Board of Education shall not exceed the sum of twenty-five hundred (\$2,500) dollars annually for the maintenance of said work in said county, to be paid by the State Treasurer out of funds appropriated for the maintenance of county farm-life schools by chapter eighty-four of the Public Laws of one thousand nine hundred and eleven. That any money that is now or may hereafter be appropriated by the General Assembly of North Carolina, the State Board of Education, or other State authority for agricultural or domestic science education, a part of which appropriation would, except for this act, be appropriated to Guilford County absolutely, or upon a contingency or contingencies, then and in that event such appropriation which would go to Guilford County shall be turned over to the County Board of Education of Guilford County to aid in the carrying out of the provisions of this act. That compliance with the provisions of this act by the authorities of Guilford County shall be sufficient to entitle the county of Guilford to its proportion of any appropriation of money already made or which may hereafter be made for training in the science of agriculture or domestic science. The State Superintendent of Public Instruction shall issue a requisition on the State Auditor for the amount so apportioned to Guilford County and he shall issue his warrant to the county treasurer of said county, and the money shall be placed by the said treasurer to the credit of the school or schools of Guilford County in which said agricultural and domestic science work is being conducted: *Provided, however,* that all money thus placed to their credit shall be used exclusively for the purpose of instruction in agriculture and domestic science.

AUTHORITY OF HIGH SCHOOL PRINCIPAL.

SEC. 8. That nothing in this act shall be construed to lessen the power and authority of the principal of the high school, but the instructors in the various departments shall be considered members of the faculty of which the high school principal is head.

QUALIFICATION OF TEACHERS.

SEC. 9. That no person shall be employed as teacher in agriculture or domestic science in the school or schools herein provided for unless the applicant has furnished to the trustees satisfactory evidence of a liberal English education, and in addition thereto special preparation and fitness for the specific branches to be taught, said qualifications to be passed upon by the County Superintendent of Guilford County, and if approved, submitted to the State Superintendent of Public Instruction for his approval. In addition to the above requirements the said person shall hold a high school teacher's certificate on all required subjects except Latin, Greek, and Modern Languages.

STUDENTS FROM OTHER COUNTIES.

SEC. 10. That the board of trustees of the school or schools herein provided for is authorized and empowered to admit students from other counties of the State to said school or schools, upon payment of such tuition charges as said board of trustees may fix, but all students who are residents of Guilford County shall be admitted to any of said schools without charge for tuition: *Provided, however,* that there shall be no discrimination against students coming from other counties in the charges fixed for board and incidentals.

AGRICULTURAL FARM LIFE AND EXTENSION WORK.

SEC. 11. That it shall be part of the duty of the teachers of agriculture and domestic science to conduct agricultural farm life and extension work in Guilford County in coöperation, as far as possible, with such work carried on in said county by the State Department of Agriculture, the North Carolina College of Agriculture and Mechanic Arts, and the United States Department of Agriculture; to hold township and district meetings in various parts of Guilford County from time to time, for farmers and farmers' wives; to co-operate with the county superintendent of education of said county and with the commissioner of agriculture, if such officer exists, in stimulating, directing and supervising practical farm life work in the public high school and the elementary schools of said county, and in providing instruction through the teachers' association and through a special short course of study at the schools where agriculture and domestic science instruction is given for the public school teachers of the said county.

THIS ACT MADE TO APPLY TO ANY COUNTY OF NORTH CAROLINA.

SEC. 12. This act shall apply to Guilford County, and to any other county of the State of North Carolina complying with the conditions herein required of Guilford County: *Provided, that the amount annually set aside out of the public school fund by any county for maintenance of said farm-life departments shall not operate to increase the amount to which said county would have been entitled from the State equalizing fund if said apportionments*

for farm-life departments had not been set aside; and said apportionments shall be included in the necessary expenses for a four months' school term for which a special tax, if necessary, must be levied under chapter thirty-three of the public laws of one thousand nine hundred and thirteen. The board of county commissioners of any county is hereby authorized to provide out of the funds for necessary county expenses the funds required under section four of chapter four hundred and forty-nine of the public local laws of one thousand nine hundred and eleven for the establishment and maintenance thereunder of farm-life departments in public high schools, and to include the same in the annual levy for necessary county expenses.

SEC. 13. That this act shall be in force from and after its ratification.

Ratified this the 1st day of March, 1911.

Amendments ratified the 10th day of March, 1913.

1911 (Public Local Laws), c. 449; 1913, c. 105; 1915, c. 236.

WOMEN ON SCHOOL BOARDS

AN ACT TO AUTHORIZE WOMEN TO DISCHARGE CERTAIN DUTIES PERTAINING TO EDUCATION.

The General Assembly of North Carolina do enact:

CERTAIN POSITIONS NOT DEEMED OFFICES.

SECTION 1. That positions on committees for rural and graded schools, boards of trustees for State schools and colleges for women, and sub-text-book commissions, shall not be deemed offices within this State, but shall be places of profit or trust.

WOMEN MAY SERVE IN SAID POSITIONS.

SEC. 2. Women shall be eligible to serve in the places named in section one of this act under the same conditions and restrictions as are now imposed upon men: *Provided*, that the provisions of this act shall not apply to any position or place where the person holding such position or place is elected by the people.

SEC. 3. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 4. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this the 12th day of March, 1913.

1913, c. 170.

COUNTY FARM-LIFE SCHOOL LAW

AN ACT TO PROVIDE FOR THE ESTABLISHMENT AND MAINTENANCE OF COUNTY FARM-LIFE SCHOOLS AND FOR THE PROMOTION OF AGRICULTURE AND HOME MAKING. (Chapter 71, Public Laws of 1911.)

The General Assembly of North Carolina do enact:

SECTION 1. There shall be established and maintained in every county complying with the provisions of this act as hereinafter set forth a school to be known as a "County Farm-life School" for the training and preparation of the boys and girls of said county for farm life and home making.

THE AIM OF THE COUNTY FARM-LIFE SCHOOL.

SEC. 2. The aim of said school shall be to prepare boys for agricultural pursuits and farm life and to prepare girls for home making and house-keeping on the farm. The course of study in said school shall be subject to the approval of the State Superintendent of Public Instruction and an advisory board on farm-life schools, to be appointed by him: *Provided, however,* that the course of study shall include practical work on the farm by the boys and practical work in all subjects relating to housekeeping and home making by the girls.

BOARD OF TRUSTEES.

SEC. 3. Said school shall be under the control and management of a board of trustees, consisting of one member from each township in the county, appointed by the county board of education, who shall serve until their successors shall be appointed. The first board of trustees shall be divided by the county board of education into three as nearly equal groups as possible—one group shall be appointed for a term of two years, one group for a term of four years, and one group for a term of six years. Upon the expiration of the term of office of any trustee his successor shall be appointed for a term of six years. The county superintendent of public instruction shall be *ex officio* a member of said board and secretary thereof. All vacancies occurring by death, resignation or otherwise, in said board shall be filled for the unexpired term by the county board of education.

SEC. 4. Within ten days after any county, township or townships shall have complied with the provisions of this act as hereinafter set forth for the maintenance and equipment of said school, the members of the board of trustees shall be appointed, and the county superintendent shall duly notify them to meet at the county seat within ten days after their appointment to qualify and organize.

LOCATION.

SEC. 5. After due advertisement, inviting bids for the location of said school within said county, said board of trustees shall locate it at such place in said county as shall offer the largest financial aid for maintenance and equipment, having due regard for desirability and suitability of location: *Provided, however,* that said school shall not be located in any city or town of more than one thousand inhabitants, nor within two miles of the corporate limits of any city or town of more than five thousand inhabitants.

BUILDINGS, FARM, MAINTENANCE, ETC.

SEC. 6. For the maintenance of said school, the county or township or school district, or all combined, wherein it is located, shall provide annually, by taxation or otherwise, not less than twenty-five hundred dollars. The county or township or school district, or all combined, shall also provide by bond issue, or otherwise, the following equipment for said school: a school building with recitation rooms and laboratories and apparatus necessary for efficient instruction in the prescribed subjects of study; dormitory buildings with suitable accommodations for not less than twenty-five boys and twenty-five girls; a barn and dairy building with necessary equipment; a farm of not less than twenty-five acres of good arable land. All of said buildings shall be located on said farm and shall be constructed in accordance with plans approved by the State Superintendent of Public Instruction, and the entire equipment shall be subject to his approval and acceptance after inspection: *Provided, however,* that, upon recommendation of the board of trustees and the presentation of satisfactory reasons therefor, the State Superintendent of Public Instruction may grant permission to said board of trustees to accept any suitable and properly equipped school building already constructed, though it may not be located on said farm, provided it be located within reasonable and convenient distance thereof, and may also grant permission to reduce the required acreage for the farm to not less than ten acres.

PROVISIONS FOR ELECTION IN COUNTY.

SEC. 7. Upon written request of the county board of education of any county, the board of county commissioners of said county may in their discretion order an election to be held in said county, in accordance with the law governing general elections therein, as nearly as may be: *Provided, however,* that a new registration shall be ordered for said election; and not less than thirty days notice of said election shall be given at the courthouse door and three other public places in said county; and if there be newspapers published in said county, a notice of said election shall also be published weekly for four successive weeks preceding said election in one newspaper therein; and the registrars and poll-holders shall canvass the vote cast, declare the result, and duly certify the returns to the board of county commissioners, and the returns shall be recorded in the records of said board of county commissioners. At said election shall be submitted to the qualified voters of the county the question of levying and collecting a special tax on all taxable property and polls of said county for the maintenance and equipment of a "County Farm-life School" therein. At such election those favoring the levying and collection of such a tax for said purpose shall vote a ballot on which shall be written or printed the words "For County Farm-life School"; and those opposed shall vote a ballot on which shall be written or printed the words "Against County Farm-life School." If a majority of the qualified voters shall vote "For County Farm-life School," then all the provisions of this act shall be in full force and effect, and the county commissioners shall annually levy and cause to be collected, in the same manner and at the same time as other taxes of the county are levied and collected, a tax on all property and polls of the county sufficient to provide the sum required of said county under section six of this act for the annual maintenance of said school, and, in addition, the sum required for the payment of the annual interest on such bond issue as may be found necessary for providing the

equipment for said school required under section six of this act, as said interest accrues, and to create a sinking fund for the purpose of paying off and discharging said bonds as they become due. The bond of the sheriff or tax collector of said county shall be responsible for said tax to the same extent as it is liable for other taxes collected by him.

BONDS TO BE ISSUED.

SEC. 8. If a majority of the qualified voters at the election herein provided for shall vote "For County Farm-life School," it shall be deemed and held that a majority of the qualified voters are in favor of granting to the board of county commissioners of said county authority to issue bonds in an amount not to exceed twenty-five thousand dollars for the purpose of providing the necessary equipment prescribed in section six of this act; and such authority shall be granted to and vested in said board of county commissioners and said board is hereby authorized and empowered to issue and sell bonds in the name of said county to an amount not to exceed twenty-five thousand dollars, of such denomination and of such proportion as said board of county commissioners may deem advisable, bearing interest at a rate not to exceed six per centum, with interest coupons attached, payable at such time or times and at such place or places as may be deemed advisable by said board of county commissioners, such bonds to be of such form and tenor and transferable in such way, and the principal thereof payable or redeemable at such time or times, not less than fifteen years from the date thereof, and at such place or places as said board of county commissioners may determine. The proceeds arising from the sale of said bonds shall be expended by said board of county commissioners in providing, by purchase or otherwise, the equipment in land, buildings and apparatus required in section six of this act for the "County Farm-life School": *Provided, however,* that the treasurer of said county shall receive no compensation for receiving or disbursing the money which may be received from the sale of said bonds.

ELECTION IN TOWNSHIP—ISSUANCE OF BONDS TO SECURE LOCATION.

SEC. 9. The county commissioners of any county that has voted for the establishment of a "County Farm-life School" therein shall, upon petition of one-fourth of the freeholders in any township applying to the trustees of said "County Farm-life School" to secure the location of said school therein, order an election therein, to be held after thirty days notice at three public places in said township, under the law governing State and county elections as nearly as may be, and the returns of said election shall be certified by the registrars and pollholders to the board of county commissioners, and the same shall be recorded in the records of said county commissioners; at which election shall be submitted to the qualified voters of said township the question of issuing bonds in a sum not to exceed twenty-five thousand dollars, the amount of said bond issue to be set out in the petition for said election, and of levying and collecting on all taxable property and polls in said township a special tax sufficient to provide for the payment of the interest on said township bonds as it accrues and to create a sinking fund for the purpose of paying off and discharging said township bonds as they become due. At such election, those favoring the levying and collection of such a tax for said purpose shall vote a ballot on which shall be written or printed the words "For County Farm-life School," and those opposed

shall vote a ballot on which shall be written or printed the words "Against County Farm-life School." If a majority of the qualified voters at said election shall vote "For County Farm-life School," then it shall be deemed and held that a majority of the qualified voters are in favor of granting to the board of county commissioners of said county authority to issue bonds in the name of said township in such amount as shall have been named in the petition and notice of election, to be sold by said commissioners for the purpose of aiding in providing the buildings and farm and other equipment for the "County Farm-life School," provided said school shall be located in said township; and if said school shall be located in said township, the board of county commissioners shall annually levy and cause to be collected, in the same manner and at the same time as other taxes of the county are levied and collected, a tax on all property and polls in said township, sufficient to provide for the payment of interest on said township bonds as it accrues and to create a sinking fund for the purpose of paying off and discharging said township bonds as they become due; and said board of county commissioners is hereby authorized and empowered to issue and sell said bonds of said township to the amount specified in said petition and notice of election, of such denomination and of such proportion as said board of county commissioners may deem advisable, bearing interest at a rate not to exceed six per centum, with interest coupons attached, payable at the time or times, and at the same place or places, and of the same form and tenor, and the principal thereof payable or redeemable at the same time or times and at the same place or places as the county bonds issued by said board of county commissioners for the equipment of said "County Farm-life School." The proceeds arising from the sale of said township bonds shall be added to the proceeds arising from the sale of said county bonds and expended therewith by said board of county commissioners in providing, by purchase or otherwise, the equipment in land, buildings and apparatus required in this act for the "County Farm-life School": *Provided, however,* that any two or more contiguous townships bidding for the location of said "County Farm-life School" may unite and hold an election upon the same terms and conditions as are herein provided for one township for the location of the "County Farm-life School" at such point in said townships as may be determined by the board of trustees of said "County Farm-life School": *Provided,* that the amount of bonds authorized to be issued by one or more townships in order to secure the location of the "County Farm-life School" in a given township shall be deducted from the amount of bonds authorized to be issued by the county, so as to limit the total issue of the bonds for farm, buildings and equipment to twenty-five thousand dollars.

IF ELECTION FAILS IN COUNTY, TOWNSHIP OR CONTIGUOUS TOWNSHIPS MAY PROVIDE FOR ESTABLISHMENT OF COUNTY FARM-LIFE SCHOOL.

SEC. 10. In case an election shall be ordered and held in any county as herein provided, for the establishment and maintenance of a "County Farm-life School" therein, and a majority of the qualified voters at such election shall fail to vote "For County Farm-life School" any township in said county, or any two or more contiguous townships in said county, shall, upon petition of one-fourth of the freeholders therein to the board of county commissioners of said county, have an election ordered by said commissioners upon the same terms and conditions prescribed in section nine of this act: *Provided,*

that a new registration shall be ordered; and if in such election a majority of the qualified voters in said township or townships shall vote "For County Farm-life School," then, in that event, it shall be deemed and held that the board of county commissioners of said county is authorized and empowered to issue and sell bonds in the name of said township or townships in an amount not to exceed twenty-five thousand dollars, and to levy and cause to be collected in the same manner and at the same time as other taxes of the county are levied and collected, a sufficient tax on all property and polls in said township or townships to comply with all the conditions named in this act for the maintenance and equipment of a "County Farm-life School," subject to the same conditions as are herein provided for the issuance and sale of county bonds and the levying and collection of a county tax for said purpose; and the said "County Farm-life School" shall thereupon be located at such point in said township or townships as may be determined by the board of trustees of said "County Farm-life School" provided for in this act; and such school, when thus established, shall be a "County Farm-life School" for said county, and shall be subject to all the rights, privileges and obligations and conditions prescribed in this act for "County Farm-life Schools," except as herein otherwise provided: *Provided further*, that at any time after the establishment of said "County Farm-life School" by the township or townships under the provisions of this section, the county may, under the provisions of section seven of this act, hold an election as therein provided; and if at said election a majority of the qualified voters of the county shall vote "For County Farm-life School," and the tax and bond issue provided for in said section seven for the maintenance and equipment of a county farm-life school shall be provided, as directed therein, by the county commissioners for the entire county, said school, established under this section by the township or townships, shall become a county farm-life school in all respects like a county farm-life school established under section seven hereof; and the bonds of the township or townships and the tax levied for the maintenance of said school and for interest and sinking fund on said bonds, under this section, shall be assumed by the entire county, as provided in section seven hereof, and the bonds of said township or townships shall be canceled by substituting therefor the county bonds provided for in section seven hereof.

HIGH SCHOOL DEPARTMENT CONDUCTED IN CONNECTION WITH COUNTY FARM-LIFE SCHOOL.

SEC. 11. There shall be established and maintained in connection with each county farm-life school such a high school course of study as is prescribed under the high school law of the State for first-grade public high schools, and for the maintenance of such high school department of the county farm-life school there shall be the same county and State apportionments as are now made and required for a first-grade public high school under the provisions of the public high school law of the State. If an additional apportionment for said high school department of said school cannot be made out of the State appropriation for public high schools, then the State and county appropriations for one or more of the existing high schools in said county shall be transferred to the maintenance and support of said high school department of said county farm-life school. If said county farm-life school shall be located at the same place with some existing public high

school in said county established and maintained under the public high school law of the State, then said public high school shall be merged into and become the high school department of said county farm-life school as an organic part thereof; and the appropriations for the maintenance thereof shall be the same as the appropriations now required for a first-grade public high school under the provisions of the public high school law of the State. The requirements for teachers in said high school department of the county farm-life school shall be the same as are now required for high school teachers under the said high school law. Said high school department and course of study, however, and the entire management of the same shall be under the direction and control of the board of trustees and the principal of the county farm-life school, and shall be conducted as an organic part of said school.

CERTIFICATION OF TEACHERS.

SEC. 12. No person shall be employed as principal in charge or any "County Farm-life School" who does not hold a high school teacher's certificate on all required subjects except Latin, Greek, and modern languages, including an additional certificate from the State Board of Examiners and the president of the North Carolina College of Agriculture and Mechanic Arts, stating that he has furnished satisfactory evidence to them of his qualifications by special training and practical experience for said position. And no person shall be employed in the department of said "County Farm-life School" for the special training of girls for home making and house-keeping on the farm who does not hold a high school teacher's certificate on all required subjects except Latin, Greek, and modern languages, including an additional certificate from the State Board of Examiners and the president of the State Normal and Industrial College, stating that such person has furnished to them satisfactory evidence of qualifications by special training and practical experience for said position.

AGRICULTURAL AND FARM-LIFE EXTENSION AND DEMONSTRATION—SHORT COURSES FOR ADULTS, MEN AND WOMEN.

SEC. 13. It shall be a part of the duty of the faculty of each "County Farm-life School" to conduct agricultural farm-life extension and demonstration work in said county, in coöperation, as far as possible, with such work carried on in said county by the State Department of Agriculture, the North Carolina College of Agriculture and Mechanic Arts, and the United States Department of Agriculture; to hold township and district meetings in various parts of the county from time to time for farmers and farmers' wives; to co-operate with the county superintendent of public instruction and with the county commissioner of agriculture, where such officer exists, in stimulating, directing, and supervising practical farm-life work in the public high schools and the elementary schools of the county, and in providing instruction, through the county teachers' association and through special short courses of study at said "County Farm-life School," for the public school teachers of said county. There shall be provided in the courses of study of said "County Farm-life School" short courses in farm-life studies to which shall be admitted adult farmers, men and women; and there shall be held at said "County Farm-life School" annually one or more county meetings for the farmers and their wives of said county for instruction and demonstration work. All of the work herein required and all other work of the "County

Farm-life School" shall be under the general supervision of the county superintendent of public instruction, and said school shall in all respects be an organic part of the county public school system.

ADMISSION OF STUDENTS FROM OTHER COUNTIES.

SEC. 14. The board of trustees of the "County Farm-life School" of any county is hereby authorized and empowered to admit students from other counties of the State to said school upon payment of such rate of tuition as said board of trustees may fix; but all students who are residents of the county in which said school is located shall be admitted to said school without charge for tuition, except as provided for in section ten of this act; and said board of trustees shall fix all other charges in said school at actual cost.

TREASURER OF COUNTY FARM-LIFE SCHOOL.

SEC. 15. The treasurer of said county shall be the treasurer of said "County Farm-life School," and shall receive and disburse all funds therefor, keeping and rendering annually to the board of trustees of said school a separate account of such receipts and disbursements: *Provided*, that said treasurer, if employed on salary, shall receive no additional compensation for his services; and if employed on commission, he shall receive as compensation not to exceed one per cent on all disbursements and nothing on receipts. The official bond of said treasurer shall be responsible and held liable for all funds coming into his hands for said school to the same extent as it is liable for other funds received by him as treasurer of said county.

THE CORPORATE NAME.

SEC. 16. The board of trustees of the said "County Farm-life School" and their successors in office shall be and are hereby constituted a body corporate by the name and style of "The Board of Trustees of the County Farm-life School of County," and by that name may sue and be sued, contract and be contracted with, purchase, hold and sell real estate and personal property, receive donations by gift or otherwise, and exercise such other rights and privileges as are conferred by law upon corporate bodies. The title to all lands and other property of the "County Farm-life School" shall vest in said board of trustees.

APPROPRIATION OF STATE FUNDS.

SEC. 17. Upon satisfactory evidence furnished to the State Board of Education that all the provisions of this act for the establishment, maintenance and equipment of a "County Farm-life School" have been complied with in any county, the said State Board of Education shall order the State Superintendent of Public Instruction to issue a requisition upon the State Auditor for the sum of two thousand five hundred dollars annually for the maintenance of said school, and the State Auditor shall issue his warrant in favor of the county treasurer of said county for said amount, which shall be paid out of the State Treasury and the money placed to the credit of the "County Farm-life School" of said county; and sufficient moneys to pay said warrants are hereby appropriated out of any funds in the hands of the State Treasurer not otherwise appropriated: *Provided, however*, that there shall not be established more than ten such schools in any one year, and that not more than one such school shall be established in any county.

SEC. 18. This act shall be in full force and effect from and after its ratification.

Ratified this the 3d day of March, A. D. 1911.

1911, c. 84.

CONSTRUCTIONS

OF THE

PUBLIC SCHOOL LAWS

OF

NORTH CAROLINA

BY THE STATE

SUPERINTENDENT OF PUBLIC INSTRUCTION

"The County Board of Education and all other school officers in the several counties shall obey the instructions of the State Superintendent and accept his constructions of the school law." (Sec. 4090, chapter 89, Revisal of 1905.)

A.

**STATE SUPERINTENDENT'S CONSTRUCTION OF THE COMPULSORY
ATTENDANCE ACT OF THE GENERAL ASSEMBLY OF 1913.**

A conservative, State wide compulsory attendance law was passed by the General Assembly of 1913, requiring attendance for four months continuously each year of all children between the ages of eight and twelve years, allowing reasonable exemptions and providing reasonable penalties and adequate but inexpensive machinery for its enforcement. The following amendment to this bill was adopted and made section 11 of the act:

"The board of education of each county shall have power at their regular meeting held in July of each year and thereafter at any regular meeting to make such rules and regulations as they may deem best to secure the attendance of all children between the ages of eight and twelve years upon schools of the county, and such rules and regulations, when approved by the county superintendent of public instruction, and posted at the courthouse door and at the door of each public schoolhouse in the county, shall supersede any provision of this act in conflict therewith."

On account of a natural misconstruction by the press of the State in its reports of the meaning and effect of this amendment there is a widespread but erroneous opinion that any county board of education can, at its pleasure, set aside and practically nullify this act. In my opinion the amendment does not by any means nullify the act. It is still obligatory upon every county to provide for compulsory attendance; in fact, the amendment itself states its purpose to be "to secure the attendance of all children between the ages of eight and twelve years upon the schools of the county." No county board of education, therefore, is authorized to adopt any rules and regulations different from the provisions of the act that will not secure such attendance. This amendment, which is made section eleven of the act, must be construed with the other sections of the act, so that all may stand together if possible, and so as to accomplish its clearly stated purpose of securing the attendance of all children between the ages of eight and twelve years upon the schools of the county. In my opinion, therefore, it is clearly an enabling instead of a disabling section of the act applicable only to the machinery for the enforcement of the law for securing compulsory attendance, allowing discretion in the modification of this machinery so as to meet the different conditions in different counties, but conferring no power upon the county board to revoke or annul the general and fundamental provisions of the law as set forth in the first four sections thereof, or to defeat the purpose of the law as clearly set forth therein and reaffirmed and emphasized in the amendment itself "to secure the attendance of all children between the ages of eight and twelve years upon the schools of the county."

If the purpose and effect of this amendment should be construed to be to authorize county boards of education by passing rules and regulations to annul a law passed by the General Assembly, and in effect to enact another law in lieu thereof, then the amendment would *de facto* confer legislative power upon the county board of education and would therefore be clearly unconstitutional. It would seem to be clear that the amendment was in-

tended not to destroy the law, but to give flexibility to its administration. This is my construction of this law. In this construction the Attorney-General concurs. Under section 4090 of the Revisal of 1905, all school officers in the various counties are required to accept the State Superintendent's construction of the School Law; therefore, this construction of the compulsory attendance law will hold until overruled by the courts of North Carolina.

The purpose of the whole act to secure attendance of all children between the ages of eight and twelve years upon the public schools is so clear, and the provisions of the compulsory attendance law are so moderate, reasonable and conservative, that I earnestly hope and believe that most of the county boards of education will find it unnecessary and undesirable to make any material changes in them, and will co-operate heartily in the enforcement of the law practically unchanged.

Section 3 of the omnibus bill for 1915 provides also that any county board of education, or any board of trustees of a town or city of more than two thousand inhabitants, may in its discretion raise the age limit to thirteen or fourteen years.

1. **The State Superintendent has No Authority** to allow a parent or guardian to teach a child at home in lieu of sending such child to school for four months in the year according to the compulsory school law.

Letter to Mrs. Carrie Alexander, September 8, 1913.

2. **County Board of Education** has the right to allow attendance officer reasonable compensation to cover extra cost of prosecution under compulsory school law.

Letter to S. J. Beckwith, December 23, 1913.

3. **County Board of Education** has no authority to appoint a woman to serve as attendance officer.

Calvert to Joyner, February 3, 1914.

4. **Attendance Officer** may serve notices by mail on parents as to the absence of children from school. (See amendment compulsory school law 1915.)

Letter to Clegg and Clegg, April 12, 1915.

5. **Member of District Committee** may be appointed attendance officer.

Letter to H. W. Early, July 31, 1913.

6. **Refusal of Parent** to have child vaccinated in accordance with orders of Board of Health does not excuse the withdrawal of the child from school during compulsory period.

Bickett to Joyner, November 25, 1913.

7. **A Pupil May not "work off"** the required four months of compulsory school attendance at any time except that prescribed by the county board of education.

Letter to F. P. Hall, November 4, 1913.

8. **Where Transportation is provided** for children beyond the two and a half mile limit, the compulsory law should be made to apply.

Letter to Miss Eula Dixon, December 14, 1914.

9. **Attendance under the compulsory law** must begin with compulsory period nearest eighth birthday of child and last four full terms of four months each. If a child becomes twelve years of age during a compulsory

period, he must continue in school until the end of the compulsory period. The law does not recognize attendance for less than four months.

Letter to W. B. Speas, October 24, 1913.

10. **The expense of transportation** of attendance officer cannot be taxed as part of costs in suit under compulsory act. Must be provided for under section 5 of compulsory law.

Letter to S. J. Beckwith, December 23, 1913.

11. **Private school teachers** must keep such records and make such reports of attendance of children under their instruction as will furnish satisfactory evidence that children of compulsory age are receiving satisfactory instruction and are attending regularly during the compulsory period.

Letter to J. C. Scarborough, November 12, 1913.

I.

DUTIES AND POWERS OF THE COUNTY BOARD OF EDUCATION.

1. **Failure to Qualify as Member of Board of Education; Vacancy Filled, How.**—The failure of a member of the county board of education appointed by the Legislature to qualify creates a vacancy that must be filled by the State Board of Education. Also, whenever a vacancy occurs in a county board of education, on account of resignation, death or otherwise, such vacancy shall be filled by the remaining members of the board. If this is not done within thirty days after the occurrence of such vacancy, it shall be filled by the State Board of Education.

2. **Selecting a County Superintendent.**—The board has no more important duty than this, of electing a county superintendent. I beg to urge the observance of the following in the selection of a county superintendent: (1) Without fear, without prejudice, political or sectarian, having before your eyes only the welfare of the children and the success of the public schools, select the most competent man to be had for the money, choosing him from your county, if such a man is to be found there, and if not to be found in the county, seeking him wherever he can be found, as the law permits. (2) If your present county superintendent possesses the necessary qualifications for a successful administration of his delicate, difficult and important duties, as I trust he may, re-elect him and give him a chance to show what is in him and to make a greater success of his work, by paying him, if possible, a sufficient salary, under section 414, to justify him in giving all his time and thought to the work of supervision, and to justify you in requiring him to do this. (3) Take advantage of the law and pay your superintendent as large a salary as your school fund will justify, but be sure that you get *more man and more time for more money. The county superintendent's office is the most important office in the county. He need not be a resident of the county when elected. If possible, he should be paid large enough salary to enable him to devote all his time to his work.*

3. **School Term Should be Continuous.**—The purpose of section 4123 is to prevent the division of the school term into two, as was so often done formerly, to the detriment of the school. *It simply means that the school term must not be divided and taught during different seasons of the year, unless some epidemic or other providential cause interferes with the regular term. The county board must exercise this control if it would carry out the provisions of section 4116.*

4. County Board and Superintendent May Make Regulations to Secure Regular and Prompt Attendance of Pupils and Teachers.—*Under the provisions of section 4122 the county board and the county superintendent may make and enforce such attendance regulations as may be necessary to secure regular and prompt attendance on the part of the children. The same authority may also regulate the attendance of teachers on all meetings which may be thought to promote educational progress.*

5. Mandamus Proceedings Against Commissioners Refusing to Levy Tax.—When the county board of education has estimated the amount of money additional it will take to run the schools of the county four months and has requested the county commissioners to levy an additional tax sufficient to supply the deficit, the commissioners having no discretion in the matter, are compelled to make the additional levy. If they refuse to do so, the board of education should bring a *mandamus* proceeding to compel the county commissioners to levy the tax. (Aug. 16, 1909.)

6. Expense of County Board in Maintaining Its Authority Authorized.—Any reasonable expense, including attorney's fees, incurred by the county board of education in maintaining its authority, and in executing the school law is authorized by section 4125. The county board, however, sits as a court, and I do not think it would be justified in employing counsel to maintain a position taken by one faction in a district against another faction of the people. The position of the board is and ought always to be a judicial one, but after the board has taken a position upon any question, or has made a ruling, then it would be both lawful and proper for it to employ necessary counsel to sustain it. (April 2, 1909.)

7. Lease of School Property by County Board.—The county board of education has no authority to lease a part of the school building to secret order, or for other purposes, for a period of time extending beyond its term of office. (January 15, 1910.)

8. School Sites: Power of County Board to Fix, Not Limited.—The power of the county board of education to fix a school site in any school district, local tax or non-local tax, is not limited. (January 17, 1911.)

9. County Board May Offer Reward for Arrest.—The county board of education has the authority, under the general provisions outlined in section 4121 of *The Revisal*, to offer a reasonable reward for the apprehension and conviction of the parties who burn a public schoolhouse. (April 12, 1911.)

10. Member of County Board May be Allowed Compensation for Services as Acting Superintendent.—In case of a vacancy in the office of county superintendent, pending a *bona fide* effort to fill the vacancy, a member of the county board acting as county superintendent may receive a compensation for this service. (June 27, 1911.)

11. Retiring Member of Board of Education Has no Voice in Selecting Superintendent.—A retiring member of the county board of education whose term of office expires on the day the county board is to select a county superintendent for the next two years, has no voice in the selection of said superintendent. The superintendent should not be chosen until the incoming new member of the board has qualified and has taken his place as a member of board. (July, 1911.)

12. The County Board of Education has the right to review the decisions

of school committees in all cases where controversy arises, and the decision of the county board is binding on all parties until reviewed by the courts.

Bickett to Joyner, March 26, 1913.

13. Districts May be Abolished or Consolidated by county board of education, but provision must be made for each child of school age to attend some school free of tuition.

Letter to J. H. Boyd, Jr., October 16, 1914.

14. Children May be Transferred by county board of education from a non-local tax district to a local tax district for the regular school term, provided the consent of committee in local tax district is given. If such children attend longer than the term provided by the county and State taxes, however, the local committee have a right to charge a reasonable tuition.

Letter to J. E. Chatham, October 20, 1914.

15. County Board of Education Cannot Compel committee in a local tax district to admit children from outside the local tax district free of tuition.

Bickett to Joyner, October 7, 1913.

16. If School is Closed in a special tax district before all the special tax funds are used, the amount remaining must be left in the hands of the local committee and be used by them for teachers' salaries at the succeeding term or terms of the school.

Letter to W. G. Cable, January 18, 1915.

17. The Borrowing of Money by county board of education for the payment of teachers' salaries is specifically authorized in section 4164 of school law, and the board should exercise the privilege thus granted in securing funds for the prompt payment of teachers' salaries if the funds cannot be secured otherwise.

Letter to J. R. Poole, July 31, 1913.

18. Appropriations for Buildings in graded school districts and in cities and towns should be made by the county board of education on exactly the same basis as for other school districts. The county and the school district are the only school units recognized under the law and the fact that a district has a special charter should not operate to exclude that district from an equitable share in the county building fund.

Calvert to Joyner, February 21, 1913.

19. (a) Public School Funds may not be appropriated by county board of education for special privileges at a private library. (See section 4116.)

Letter to T. R. Foust, January 15, 1915.

(b) Public School Funds may not be appropriated by county board of education for carrying on tomato club work or other similar work.

Letter to W. B. Speas, December 19, 1914.

(c) Public School Funds may not be used for employing health officer until six months term is reached in every district.

Letter to B. T. McBryde, June 23, 1913.

(d) Public School Funds may not be used to purchase automobile for use of county superintendent.

Letter to W. W. Watt, June 14, 1913.

II.

THE COUNTY SUPERINTENDENT.

1. **Office Expenses for County Superintendent: County Board Must Provide for.**—Section 4139 of the Public School Law requires the county board of education to provide the county superintendent with an office at the county seat. I do not think there can be any doubt as to the meaning of these words. Evidently an office without heat would be an unheard-of thing; therefore I am sure that fuel should be included, also necessary furniture and office supplies.

2. **Weekly and Monthly Reports.**—The law fully authorizes the county superintendent to require such reports from teachers in charge of public schools as to him seem advisable. Voucher for teacher's salary should not be approved at the end of the month till the monthly report has been received. The same rule should be adopted with reference to final reports.

3. **May a County Superintendent Teach?**—For good and sufficient reasons, a county superintendent will be permitted to teach during the year, provided satisfactory arrangements be made for visiting the schools while in session and otherwise obeying the law. Whatsoever arrangements are made should be submitted to the State Superintendent and the State Board of Education for approval. But it is best, wherever possible, for the superintendent to give his undivided time to the supervision of the schools in his county.

4. **The Professional Qualifications for County Superintendent** made by section 4135, so far as they refer to experience, mean actual teaching or actual supervision of schools. The chairman of the county board of education could not be considered as a supervisor of schools within the meaning of this act.

Letter to C. A. Cochran, November 23, 1914.

III.

DUTIES AND POWERS OF SCHOOL COMMITTEEMEN AND TRUSTEES.

1. **Removal of Committeemen from Office.**—Under section 4126 of the Public School Law, the county superintendent, when charges are made against committeemen, should report such charges to the county board of education, which board should then formulate the charges and give in writing at least ten days notice to the committeemen, of the charges preferred against them. This notice should be served by the proper officer, as directed by section 4127 of the Public School Law, unless the committeemen accept service in a different manner. The county board should appoint a day for the hearing of the charges and thoroughly investigate them, giving the accused committeemen an opportunity to be heard and to offer evidence. After such hearing, the board should decide whether the committeemen should be removed or not. A complete record of the entire proceedings should be entered on the minutes of the board.

2. **Trusteeship an Office of Trust.**—Under the language of the Constitution and the decisions of our courts, I am constrained to believe that a trustee or committeeman of a school should be regarded as holding an office of trust. (May 3, 1909.) Under section 1 of chapter 170 of the Laws of 1913,

Women on School Boards, these positions are declared to be places of profit or trust and not offices in this State.

3. Retiring Trustees Have no Voice in Choosing Their Successors.—In the election of new members of a board of trustees of a graded school, the retiring members should have no voice in the election of their successors. (May 18, 1909.)

4. Voucher for More Money Than is to the Credit of the District.—The law forbids the signing of a teacher's voucher for more money than the district has to its credit. Section 4150.

5. Trustee or Committeeman Can Not Hold Other Public Office.—"A public office is an agency for the State, and the person whose duty it is to perform the agency is a public officer." The first question asked is, Can a party who is school trustee and committeeman, without pay or profit, hold, at the same time, the position of county commissioner? I do not think so.

In the case of *Barnhill v. Thompson*, 122 N. C., 493, it is held that the board of county commissioners and the county board of education each constitute an office and what is said there in regard to the county board of education, I think, applies with equal force to school trustees or school committeemen. The fact that no salary was received in one of the places makes no difference. *Welker v. Bledsoe*, 68 N. C., 457.

Second: Can one person be, at the same time, clerk of the Superior Court and a member of a school committee? I do not think he can. A clerk of the court is clearly an officer within the meaning of the Constitution, Article XIV, section 7. See *White v. Murray*, 126 N. C., 156.

Third: Can a man hold, at the same time, the position of school committeeman and be a trustee for the Institution for the Feeble-minded? I think these positions are incompatible. In the case of *Welker v. Bledsoe*, *supra*, Chief Justice Pearson says: "The duty of acting for and in behalf of the State constitutes an office. According to this principle, the trustees of the University, the directors of the Penitentiary, of the lunatic asylum, and of the Institution for the Deaf, Dumb and Blind are public officers. This is put beyond doubt by the Constitution, Article XIV, section 7." (April 18, 1911.)

6. Pupils May Not be Debarred from public schools by committee on account of previous immoral conduct: Provided the conduct of such pupils at present is not such as to be detrimental to other pupils.

Letter to J. M. Newbern, September 18, 1913, and letter to E. C. Byerly, December 19, 1914.

7. Committee May Dismiss Teacher who has tuberculosis or other disease which might be damaging to pupils.

Letter to J. R. Taylor, December 26, 1913.

8. Committeemen Cannot Contract with Teacher for a longer term than the public money will provide; and any contract made for a longer term than can be provided by the public money of the district is not binding on the committee.

Letter to S. E. Edwards, January 7, 1914.

9. The Office of School Committeeman cannot be filled by a man acting as county commissioner.

Letter to E. T. Atkinson, July 17, 1914.

IV.

DUTIES, PRIVILEGES AND QUALIFICATIONS OF TEACHERS.

1. **College Diploma No Exemption from Examination.**—Section 4163 of the Public School Law abolishes all exemptions from examination heretofore conferred by certain diplomas. Every applicant for certificate must be examined by the county superintendent and hold a certificate from him or from the State Superintendent (State Board of Examiners) before contracting to teach in any public school.

2. **Road Duty: Teacher Not Exempt.**—Under section 2725 of *The Revisal* of 1905, no one of road age is now exempt from the provisions of the road law, except by special statute of the General Assembly or by special action of the road supervisors.

3. **Compensation for Substitute Teacher.**—The question of allowing compensation for a substitute teacher during the illness of the regular teacher is one that appeals to the sense of justice. If the compensation is allowed, order for the same would have to be made in behalf of the regular teacher, who would then pay the substitute teacher himself. The committee would have no legal right to sign a voucher for the payment of the salary of any teacher who did not hold a teacher's certificate. Of course, the substitute teacher should be acceptable to the committee.

4. **Teacher Has Right to Make and to Enforce Rules for Discipline in Schools.**—A teacher in a county school has the right to make and enforce reasonable rules for the maintenance of such discipline as may seem proper to the teacher. Appeal from these rules may be made to the county board of education, who, for sufficient cause, may rescind the rules.

5. **Teachers' Rights Over Pupils on Way to and from School.**—The teacher has a right to make reasonable rules governing the conduct of pupils on the way to and from school and to enforce same. (April 2, 1912.)

6. **Military Drill in Public Schools.**—Under section 4166 of the School Law the principal of a private military school contracted with by a committee to teach a public school in connection with such school has the right to make and enforce such reasonable rules as may be necessary to maintain good order and discipline. When a committee contracts with the principal of a private military school it must know that military drill is a rule of that school. If such drill is deemed necessary for the maintenance of good order and discipline in the school and for the benefit of the pupils, by cultivating habits of punctuality, neatness, etc., and is required during the hours of the school day, in my opinion, the principal has the right to require it of all the pupils, unless when the committee entered into the contract with the teacher of said private military school it was specifically stated in the contract that military drill would not be a part of the discipline. The action of the principal in dismissing pupils for violation of the regulation as to military drill is reviewable by the county board of education, under section 4125 of the School Law. Such action on the part of the principal may be reversed by said board under the law.

7. **Contract with Teacher Binding; When Not.**—Contract with teacher is binding in case schoolhouse burns and can be easily substituted for by renting or otherwise. But if suitable place to teach cannot be secured, committee is not bound. (June 9, 1911.)

8. Salary of Second Grade Teacher Cannot Exceed \$35.—Committee in special tax district is not authorized to employ second grade teacher for more than \$35. (July, 1912.)

9. Thanksgiving Day a Legal Holiday.—Thanksgiving Day is a legal holiday and should be counted as a day in the school month. It would be both unlawful and impious to charge up the Day of Thanks against the teachers of the State. (December 4, 1909.)

10. What Constitutes a School Day?—I presume that in construing the law fixing a school day at not less than six hours nor more than seven hours the committee would have to use the same common sense that they would use in other business. A literal construction of the law would, I presume, require at least six hours of school work. A reasonable construction would probably allow short recesses to be taken out of this time, as the teacher is compelled to remain and have supervision of the children during recesses. If the amount of time taken for recess is excessive, of course, it should not be included in the six hours. You can easily understand how, if the teacher was allowed to count all recesses and to give as much time for recesses as he chose, the number of hours of work might be too greatly reduced. Whether the law ought to be construed to require six hours of actual school work would depend, I think, to some extent, upon the season of the year and the distance that the children living farthest from the school had to walk. For example, in many places it would be difficult in the winter to begin earlier than 9 a. m., or to close later than 4 p. m. This would give six hours of work, with an intermission of an hour for dinner, but would not include any short recesses between times, which are usually desirable, and which, I think, ought to be included in the six hours.

The trustees of a school, operated under special charter may, in conjunction with teachers, make such regulations as they deem wise.

11. Criminal Charges Against Teachers.—The committee should refuse to sign the voucher of a teacher who falsified in his report as to the number of days he taught, and should report the facts to the county board of education, giving their reasons for refusing to sign. Then, under section 4127, the county board of education could investigate the matter, after written notice of ten days as therein provided, and, if the charges be sustained, could debar the teacher from teaching and cancel his certificate.

12. Teacher Cannot Expect Reimbursement from School Fund for Stolen Property: Cannot Sue Board for Such Loss.—School authorities should not be held responsible for personal property of teacher while in the employ of school, even if property is stolen from public schoolhouse. Trustees can make allowance to teacher for such stolen property if they think proper, but the school fund is not liable in damages for amount by suit. The county board of education is a corporation conducting part of the functions of the State government, and suit cannot be brought against it in the absence of a statute so providing. (July 3, 1911.)

13. High School Principal Cannot Serve as Member of County Board.—Under section 4119, a principal of a public high school cannot serve as a member of the county board of education. (July 3, 1912.)

14. (a) Teacher May Require pupil to study subjects prescribed by law, and if parent objects to the child's taking the prescribed course the teacher may dismiss pupil from school.

Letter to C. B. Woltz, November 13, 1912.

(b) **Teacher May Require** children to sweep the school room and perform other similar duties where there are no funds provided for janitor service.

Letter to H. M. Ghormley, September 20, 1913.

V.

RIGHTS AND OBLIGATIONS OF PATRONS AND PUPILS.

1. Rights of Bona Fide Citizens to Patronize School.—Any person, moving into a graded school district and becoming a *bona fide* citizen, has a constitutional right to send his children of school age to the public graded school of such district without paying tuition, from the time that he becomes a *bona fide* citizen of that district.

2. Bona Fide Residents Entitled to School Facilities.—When a person moves to a town for the purpose of making his home there, he at once becomes a *bona fide* resident, and therefore has a right to send his children to the local public school. But, on the other hand, if he moves to town just for a few months in order to get the benefit of the graded school then he should not be regarded as a resident, and therefore would not be entitled to send his children to the graded school without the payment of tuition. I am of the opinion that an order made by the school board that for one to be entitled to send his children to school he must have been a *bona fide* resident of the town or district for twelve months, is an *ultra vires* act on the part of the authorities. This would be in violation of the Constitution providing that all children have an opportunity to go to school four months each year. (January 8, 1910.)

3. Patrons of School District Defined.—The patrons of a public school district are those living in the district who have children or stand in *loco parentis* to children within the school age. (August 5, 1909.)

4. Admission of Pupils Cannot be Refused Because of Overcrowded Conditions.—Graded school trustees or committees have no legal right to refuse, for the reason that the grades are overcrowded, to admit pupils who are of school age and residents of the district. (January 22, 1910.)

5. Pupils Over Twenty-one Years of Age May Attend School Upon Payment of Tuition.—Section 4151 of the Public School Law says that tuition in the public schools shall be free to all children between the ages of six and twenty-one, and also gives authority to the school committee to admit pay students over twenty-one years of age. The tuition charges for such pupils must be fixed by the committee and the proceeds turned over to the county treasurer, to be used as a part of the public school funds of the district. (April 16, 1906.)

6. Children of Orphanage Have no Legal Right to Attend Public School Free of Tuition.—Question: Whether or not the children of an orphanage located within the corporate limits of a town have a legal right to attend the public school of the district without tuition. They have not. (January 19, 1911.)

7. Children of Orphanage Should Not Be Included in Census.—Children who are inmates of an orphanage situated within the borders of a graded school district should not be included in the census of pupils who may be expected to attend said graded schools. (July 2, 1912.)

8. Public Schools for Indians, County Board Must Provide.—It is the duty

of the county board of education to provide public school facilities for the Indian children of the county in which such children may reside. The Indian children should be treated as white and negro children in the apportionment of the school funds of the county, and separate schools, under the law, must be provided for them.

9. **A Pupil is Not Exempt** from road duty if he is a resident of the district. If a nonresident, he is exempt.

Letter to S. E. Leonard, November 12, 1913.

10. **Pupils May Not Be Required** by teacher to make up work on Saturdays which was missed on regular school days.

Letter to I. M. Bailey, October 26, 1914.

11. **High School Students** from outside the county should be charged reasonable tuition rates for attendance upon State high school.

Letter to W. H. Crawford, September 10, 1914.

VI.

SCHOOL DISTRICTS AND DISTRICT FUNDS.

(a) *Regular.*

(b) *Special Tax Districts.*

(c) *City and Graded School Districts Under Special Charter.*

(a)

1. **Fixing Boundaries of Districts Left to Discretion of County Board.**—County board of education has authority, under section 4129, to divide the townships and the county into convenient school districts. The formation and consolidation of districts are placed in the discretion of this board. The Attorney-General advises me that in the case of **Howell v. Howell**, in Haywood County, the Supreme Court of North Carolina holds that the laying off of school districts and the fixing of their boundaries is in the discretion of the county board of education and no appeal therefrom lies to the courts. It is, of course, however, a discretion that should not be exercised arbitrarily, and I feel sure that the county board of education will, as directed in section 4129, always consult the convenience and necessities of the people in fixing the boundaries and the districts, and will give a full hearing to both sides before determining the matter. (June 6, 1910.)

2. **Three-mile Limit: When It Does Not Apply.**—The three-mile limit does not apply to new and old houses in consolidated district, when old houses are to be abandoned. (June 6, 1911.)

3. **Change in County Lines Does Not Interfere with Unused Previous Apportionments.**—Last year the Board of Education of Cumberland County apportioned to Montrose School District, No. 2, funds sufficient to carry on a four months school. It seems that there was no building in this District No. 2, and that certain patrons of the school agreed to furnish a house in which the school could be carried on. There was some delay, but the building has been completed at an expense of some four or five hundred dollars.

The question has now arisen as to whether or not the money set apart to this school should be used for conducting it, inasmuch as the district will be in the territory cut off from Cumberland to make a part of Hoke County.

Upon the facts stated I am clearly of the opinion that the children in this district No. 2, are entitled to the money set apart by the Board of Educa-

tion for their use and benefit. The children of that district are entitled to their own, independent of the shifting of county lines. (March 10, 1911.)

(b)

4. Boundaries of Local Tax Districts, How Changed.—County board of education has no authority to take territory from a local tax district formed by special charter and transfer to another local tax district. It can change boundary lines between local tax districts formed under section 4115, but not between one formed under that section and another formed by special act. (September 12, 1911.)

5. Boundaries of Local Tax Districts Cannot be Changed so as to Reduce District After Election is Called.—After an election for a local tax has been duly called, the county board of education has no authority to reduce the size of the district by making changes in the notices already posted, cutting out certain territory. If the election is regularly called and regularly held, the tax should be levied on the original district. (December 18, 1911.)

6. Contiguous Territory Defined.—"Contiguous territory" in section 4115 refers to territory adjoining, but not lying within, a special tax district. (September 12, 1911.)

7. Special Tax District: Commissioners Cannot Levy More Than Maximum Rate; Cannot Reduce Amount to be Voted on After Notice of Election. The commissioners of a county can never levy more than the maximum amount of taxes voted for by the people in a special tax district. But if the maximum amount should be found to be more than the district required, then, upon recommendation of the county board of education, it would be lawful for the commissioners to levy less than the maximum amount voted for. As to the question of reducing the amount of taxes to be voted on after the call and notice of election, I beg to advise that such a reduction would be equivalent to ordering a new election, and the same notice would have to be given after the reduction as if no notice had been issued at all. (April 23, 1910.)

8. Taxation in Local Tax Districts, Commissioners Cannot Change Rate of. The board of county commissioners cannot legally change the rate of taxation in a special tax district after the tax has been duly voted according to law, in cases where the order for the election specifies the rate and due publication of the notice has been given. (February 1, 1909.)

9. Tax List in Special District, Expense of Making Borne by County Commissioners.—Under section 4115 it is the duty of the county commissioners to pay all expenses incident to levying and collecting the tax in a special district. (November 23, 1909.)

10. Control of Special Tax Funds in Hands of Committee.—After the establishment of a special tax district and the appointment of the committee for that district, the employment of the teacher and the control of the special tax fund is vested in the committee of the district.

11. Township High School Tax.—Under section 4113 of the Public School Law a township high school tax can be voted, irrespective of the boundaries of any special tax districts that may be included within the township boundaries.

12. **A Part of Local Tax Fund for High Schools.**—A part of the local tax fund raised under section 4115 may be specifically set apart for high school instruction, after sufficient reservation has been made for the elementary grades, although the tax may not have been voted particularly for high school purposes.

(c)

13. **Special Tax District: One Town Cannot Invade Corporate Limits of Another Town in Establishing.**—Section 4115 does not authorize one town to invade the corporate limits of another town for the purpose of establishing a special school tax district.

Section 4114 provides for the support of schools in towns and cities by special taxes, and section 4115 covers the county outside of the incorporated towns.

I think that under section 4115 a district can be established containing all the territory within the corporate limits of a town and also include some outlying territory, but I do not think that the corporate limits of another town can be invaded. (March 20, 1911.)

14. **Act of Legislature Reducing Size of District is Constitutional.**—In 1907 the Legislature incorporated a school district in a certain county in North Carolina, including a great deal of territory in the district, and submitted to the people within said district, upon election held under said act, the question as to whether or not they would issue twenty thousand dollars in bonds for the purpose of erecting a school building and carrying on a school in said district. Certain parties who are on the outer limits of said district are not requesting that an act be passed by the General Assembly taking them out of the district and relieving them of the special tax. The question you wish passed upon is, Would an act of the kind be constitutional? It seems to be well settled that an act passed by the Legislature cutting away part of a school district, whether said district is in debt or not would be constitutional. (February 14 1911.)

15. **Compensation for Disbursement of City School Fund.**—Section 2728 of *The Revisal* of 1905 authorizes the county board of education to fix the compensation of the treasurer at such sum as it may see fit, provided the amount does not exceed two per cent on disbursements. If the special tax is paid to him, and then paid by him to the local treasurer, he might have a technical right to claim his commissions upon the amount as a disbursement, though I have always advised that a disbursement of this sort in a lump sum was not such a disbursement as was contemplated by the section named, as it was largely a matter of form, without trouble to the treasurer, and that therefore the county board of education should regulate the commission upon it, and either allow the treasurer no commission upon that sum or else allow him a very much smaller commission than was allowed upon other disbursements, the local treasurer receiving the larger part of the commission for disbursement, as he was compelled to have all the trouble in disbursing it in small amounts and keeping the books and accounts. In a word, the matter should be regulated by agreement between the local board of trustees and the county board of education. There certainly should not be double commissions allowed on the same school fund—one to the county treasurer and the other to the local treasurer. The commissions on both certainly should not exceed the maximum fixed by the statute, and, if necessary, it should be divided between them in proportion

to the trouble and responsibility of each. In case an equitable agreement cannot be reached, then I would advise an amendment to your school bill, directing the special tax to be paid directly to your local treasurer, who is under bond, without passing through the hands of the county treasurer. The matter is regulated in this way in a number of special school acts of towns and cities.

16. Reports from City Schools.—Section 4165 of the Public School Law requires full reports of city schools to the State Superintendent, also to the county superintendent, in such form and at such time as may be directed by these officers. No school operating under special charter that is supported wholly or in part by public funds has a right to refuse to make these reports and expect to continue to receive its proper share of public school money.

VII.

BRANCHES TO BE TAUGHT AND TEXT-BOOKS.

1. When High School Subjects May be Taught.—High school branches cannot be taught in schools having only one teacher, and may be taught in schools having more than one teacher only after adequate provisions have first been made for the thorough teaching of the elementary branches mentioned in section 4087.

If high school work is attempted, it must be free to all children in the district.

Letter to J. M. Eley, December 3, 1914.

2. Bible as Text-book in Public Schools.—Not prescribed in section 4087 of the Public School Law. Not advisable to attempt to use it as a text-book on account of denominationalism. Proper to use it for devotional exercises (September 7, 1906.)

3. Text-books, When Exchangeable.—An exchangeable book is incapable of exact definition, but there ought to be no difficulty in determining whether or not the book is in such condition as to be usable. The fact that a book has its back torn off, or a leaf missing here and there, would not prevent the book from being exchangeable. The book must be in such condition that, if there had been no change, it could have been used by the child in the public schools. (December 4, 1911.)

VIII.

LOANS AND LIBRARIES.

1. Loans, to Whom; Installments, How Paid.—Loans for building school-houses are made by the State directly to the county board of education for specified districts. The annual installments are paid in one sum to the State Treasurer. The county board is authorized by law to deduct the annual installments from the apportionments made to districts that have received loans. The board could, of course, if it saw fit, allow for these installments by making additional apportionments to the districts or by making apportionments out of the building fund to those districts each year.

2. Additional Apportionment by County Board to Meet Interest and Installment on Loan.—The county board of education may make an additional

apportionment out of its building fund to assist a district in paying the interest and installment of its loan made in accordance with section 4056.

3. County Appropriations for Libraries.—The State appropriation for rural libraries is limited to five thousand dollars for two years. The number of new libraries to the county for which this fund is available before November 30th of any biennial period is six. There is no authority in the law for the county board to appropriate any money for rural libraries, except the specific authority conferred by the rural library act, and this is conditioned always upon the raising of ten dollars by the community and the appropriation of ten dollars by the State. The same law, therefore, that limits the number of libraries for which appropriation may be made by the State also limits the number for which appropriation may be made by the county during the two-year period. I am of the opinion, therefore, that the county board has no legal authority to make an appropriation for more than six original rural libraries during the two-year period ending November 30th.

(See sec. 1, subsec. d, Laws 1915.)

IX.

SCHOOL FUNDS.

(a) *General (Including Fines, Forfeitures, and Penalties.)*

(b) *Special Tax.*

(c) *City Schools Under Special Charter.*

(a)

1. County Board Has No Power to Designate Bank at Which Treasurer Shall Deposit School Funds.—The Treasurer and the sureties on his bond are responsible for the safe-keeping of the school fund. Being liable on his bond for the safety of the fund, it is proper that the treasurer should have the power to determine where, and in what manner, the fund shall be kept. The county board of education has no power, therefore, to designate the bank in which the school fund shall be kept. (July 3, 1912.)

2. Special Poll Tax for Other Than School Purposes.—The county school fund is not entitled to any part of a poll tax levied by the Legislature for special county purposes other than for schools.

3. Fines, Forfeitures and Penalties Must be Recorded and Reported.—All fines, forfeitures and penalties must be recorded and reported as required by section 5, Article IX, of the State Constitution. Policemen or other officers cannot legally accept fines and make compromises without judgment.

4. Fines, Forfeitures, Etc., Cannot be Remitted.—The county board of education cannot remit by compromise any portion of fines, forfeitures and penalties due the county school fund and diverted by towns and cities.

5. Fines, Etc., Imposed in Mayor's Court Must go to County School Fund.—All fines, etc., imposed in mayor's courts of towns and cities must be properly reported and paid over to the county school fund, and failure to do so is a misdemeanor. Evasions are illegal.

6. Fines Imposed by Recorder's Court Must go to County School Fund.—Fines imposed by a recorder's court must go to the general county school fund and not to the graded school fund of the town in which the recorder's court sits. (May 14, 1909.)

7. Fines Cannot be Remitted by Another Judge.—Fines imposed by a judge cannot be remitted by another judge. (August 29, 1910.)

8. All Fines, Forfeitures and Penalties recovered in city or recorder's court in any criminal action are payable to general school fund of county; for all warrants issued in such cases are issued in the name of the State. (See section 3072 Revisal 1905.) City, however, may sue in civil action in name of city. Any judgment rendered under such civil action is merely a debt and the person against whom such judgment is rendered cannot be arrested for nonpayment.

Bickett to Joyner, February 23, 1914.

9. Stills, Sale of Materials Taken From, Regarded as Forfeiture.—The sale of materials from stills taken in the enforcement of the prohibition law is considered forfeiture, and the proceeds therefrom should be turned over to the county school fund. (July 6, 1912.)

10. City Schools are Entitled to Equitable Part of Building Fund.—The city schools are entitled to their equitable part of the building fund. They pay their part of it and in the apportionment of the building fund, just as in the apportionment of the other part of the school fund, they are entitled to be treated exactly like any other public school district of the county. The fact that these districts are operated under a special charter does not prevent them from being public school districts entitled to all the rights and privileges of other school districts in the distribution of the common public school fund, including the building fund. The fact that they issue bonds and levy taxes for better buildings and equipment ought to entitle them to more consideration instead of less, by the county board of education, in the distribution of the county building fund, and certainly ought not to cause them to be discriminated against by excluding them from sharing in that fund which they helped to pay, because they are willing to assume an additional burden of taxation to get better houses and equipment than the county and the regular school district can afford to provide. They should be encouraged rather than discouraged in such commendable efforts. The determination of their equitable share of building fund, according to their needs for building and equipment, is of course in the discretion of the county board of education. I simply suggest the following as an aid in arriving at an equitable determination of this: If the town or city has not provided houses and equipment out of its own funds by special taxation or bond issue the county board of education would be compelled to provide houses and equipment sufficient for the accommodation of the children of the district as a public school district. Estimate what it would have cost the board to make such provision on the basis of buildings and equipment of about an equal grade of those provided for other public school districts by the county board and then estimate the proportion of the cost thereof that the board would equitably allow from the county building fund upon the same basis as it apportions the cost of buildings and equipment between the county building fund and the district building fund in other regular public school districts of the county. Upon this equitable basis the board could make a lump allowance from the building fund to the town or city district or divide it into several years, allowing so much each year for two, three or four years.

Where a graded or other special school district has been established in a city or town, it is the duty of the county board of education to include in

the distribution of the fund reserved for building and repairing school-houses in the county allowed by the statute, such just and equitable part thereof as is required for such purposes within the graded or special school district established in the city. (163 N. C., 405.)

11. **County is Not Required by Article IX, section 5, of Constitution of North Carolina to pay school fund amount of fine imposed when fine is worked out on roads or served out in jail.**

Calvert to Joyner, January 15, 1914.

12. **State Equalizing Fund** can be used only for teachers in elementary departments. No apportionment from the State Equalizing Fund can be made to high school teachers until after a full six months school term shall have been provided in the seven elementary grades.

Bickett to Joyner, July 22, 1913.

13. **Total State and County Poll Tax** cannot exceed two dollars. Not more than one-fourth of this amount can be used for maintenance of the poor. At least three-fourths must be appropriated to the public schools. If so much as one-fourth is not used for the maintenance of the poor the balance, whatever it may be, must be turned over to the public school fund.

Letter to E. T. Atkinson, January 3, 1913.

X.

SPECIAL TAX ELECTIONS.

1. **Special Tax Elections Held Within Less Than Thirty Days of Another Election.**—After consultation with the Attorney-General, I am of the opinion that the provision in the general election law forbidding the holding of elections within thirty days of another election does not apply to special tax elections held under section 4115 of the Public School Law, which provides that such elections may be held after thirty days notice, and that there is no recent decision of the Supreme Court touching the matter, so far as we have any information.

2. **Sundays Counted in Twenty Days for Keeping Registration Books Open.** In counting the twenty days preceding an election for local tax, during which the registration books must be kept open as provided by section 4323 of *The Revisal*, Sundays must be included. (June 9, 1909.)

3. **Qualified Voters: Number Determined by Old Registration Books.**—The board of county commissioners should use the old registration books as a basis for determining whether or not the requisite number of qualified voters have signed a petition for the repeal of a special tax. Either party to a controversy, however, would have a right to show that some who are now registered have left the district and that other qualified voters have come into the district and become qualified.

4. **Ordering Local Tax Election: County Board of Education Has Discretion; County Commissioners Have Not.**—The approval of a petition for a local tax district lies wholly in the discretion of the county board of education and may not be compelled, but upon a petition of one-fourth of the freeholders endorsed by the county board of education, the county commissioners have no discretion, but *must* order and hold the election as provided in section 4323 of *The Revisal*. (July 1, 1909.)

5. Taxation in Local Tax District, Authority of Commissioners to Fix Rate of.—If special tax election was called under the general provisions of section 4115, without specifying in the petition, order or notice the amount to be voted, levied, and collected, the county board of commissioners can levy and collect a less amount than the maximum fixed in this section but only upon recommendation of the committee of the district approved by the county board of education. (June 1, 1911.)

6. How Special Tax May Be Repealed.—An amendment to section 4115 by the General Assembly of 1909 provides a way by which a special tax may be repealed without special legislative enactment. An election for this purpose may be called by the board of county commissioners, upon approval by the county board of education of a petition signed by two-thirds (1911) of the qualified voters residing in the special tax district. Such election can not be held within less than two years from the date of the election at which the tax was voted, nor within two years of any previous election for voting off the tax.

7. Persons Not Allowed to Vote Who Moved Into District Within Four Months Preceding Election.—Persons may not be allowed to vote at a special school election who have moved into the district from another part of the same township within four months preceding the date of election. Section 4316 of *The Revisal* of 1905 provided that, to be entitled to vote, a person shall have resided four months in the precinct, ward or election district in which he offers to vote next preceding the election. (March, 1913.)

8. Boundaries of a Special Tax District may not be enlarged by the Legislature unless an election is provided for in the territory which has not voted upon the question of a special tax levy.

Letter to Hoy Taylor, February 13, 1915.

9. To Vote in a Special Tax Election which is held prior to May first a man must have paid his poll tax for the preceding fiscal year. That is to say no man can vote in a special tax election which is held between January first and May first unless he could have voted any time after May first of the preceding calendar year.

Bickett to Joyner, March 19, 1915.

10. Where a Two Dollar Poll Tax has already been levied for general State and county purposes, there can be levied, by a vote of the people, a special tax upon property in any given district without the corresponding tax on the poll.

Bickett to Joyner, March 19, 1914.

11. The Term "Freeholder" does not include women, infants and non-residents.

Calvert to Joyner, January 29, 1914.

12. Taxes Must be Levied Equally on all residents living within the confines of a special tax district without respect to race.

Letter to A. W. Daughtry, March 25, 1914.

13. Contiguous Territory may be added to a special tax district by vote of the people in the territory to be annexed.

Letter to J. H. Boyd, Jr., October 16, 1914.

14. The School Fund is not liable for any part of the expense of listing the taxes in special tax districts. Special tax funds, however, levied and

collected under section 4115, are liable for commissions of all legally commissioned officers who collect and disburse such funds.

Letter to A. S. Barnes, March 11, 1915.

15. No Petition to Revoke a special tax should be approved by a county board of education so long as there is any debt on the building in such district caused by the borrowing of money from the county or the State over and above that to which the district was rightfully due from general building fund.

Bickett to Joyner, April 30, 1914.

XI.

SCHOOL PROPERTY.

(a) *General—Title to and Control of*

(b) *Houses and Lands.*

(a)

1. Title to School Property in District Created by Legislature Remains in County Board.—The title to the public school property that may be in a district, when created by legislative enactment, which gives authority to a local school board to manage the school affairs of the district, independent of the county board of education, remains in the county board of education, and such property may be disposed of by the county board in such manner as it deems equitable and just.

2. Control of School Property Vested in Committee and County Board.—Under sections 4147 and 4125 the school committee and the county board of education have full power to control the school property and to make rules and regulations for its control in such manner as they deem best for the interest of the public schools and the cause of education. The county board of education unquestionably has the entire control of the property in a district in which the committee has resigned. (April 17, 1908.)

3. Proceeds from Sale of School Property.—It is no violation of the spirit of the law to appropriate the proceeds from the sale of school property for the purpose of purchasing other property in the same or an enlarged district, although the full per cent of the annual fund allowed for building may have been set aside for the district.

4. Condemnation Proceedings, When and How Instituted.—Under section 4131 of the Public School Law the county board of education has authority to select a site for a schoolhouse and secure the same, to the extent of three acres, by condemnation, if it cannot be obtained otherwise. In accordance with this section, appraisers shall be appointed by the clerk of the Superior Court to appraise the value. Section 4131.

5. Land Acquired by County Board Does Not Revert to Heirs.—Land acquired by the county board of education through condemnation proceedings, when it ceases to be used for school purposes, does not revert to the heirs of the original owner, but as the board acquires a title in fee simple, the board can give a title in fee simple. (June 12, 1911.)

6. Property Deeded for School Purposes: When it Reverts to Heirs.—Property deeded for school purposes to school trustees or to the county board of education except by fee simple deed, reverts to the heirs of original

owners when it ceases to be used for the purposes set out in the deed. (March 17, 1909.)

7. Insurance on School Property, How Paid.—Every school district is permitted to spend twenty-five dollars a year out of its apportionment of the county school fund for necessary incidental expenses; a larger amount for such expenses must be approved by the county board. A reasonable amount of insurance could be carried on the school property of a district and the premium paid out of the twenty-five dollars allowance. The premium could not be paid out of the county reserve fund because that fund is limited to the payment of the expenses of the county board and the county superintendent's salary. As the title to school property is vested in the county board of education, it can insure it and order payment out of funds apportioned to district.

(b)

8. Plans for Schoolhouses Must be Approved and Buildings Inspected.—It is true that plans and specifications for schoolhouses are provided at the office of the Superintendent of Public Instruction. Furthermore, the law forbids the erection of any public schoolhouse that is not built in accordance with plans approved by him. Of course, this does not mean that all schoolhouses must be built after the plans and specifications that have been prepared for distribution from this office, but other plans may be submitted for his approval, as is often done. Section 4124 also requires all new schoolhouses to be inspected, received and approved by the county superintendent before full payment is made therefor.

9. Doors of Schoolhouses Must Open Outward.—Under the provisions of chapter 637, *Acts of 1909*, the doors of schoolhouses having more than one room, whether in towns or in the rural districts, must be so hung as to open outward. (July 12, 1909.)

10. One-half of the Cost of New Schoolhouses May be Paid by County Board.—Section 4124 clearly means that the county board, out of the building fund which it may reserve by the provisions of section 4116, shall not pay exceeding one-half the cost of building any new schoolhouse, the other half of the expense to be borne by the district. But the board has complete control of the whole subject, and may forbid the erection of a schoolhouse in a district which ought not to exist. It must be remembered that no house can be built unless it is built in accordance with plans approved by the State Superintendent, and the county board is charged with the duty of carrying into effect this provision to secure neat, comfortable and attractive houses. Pamphlets containing plans of such houses as will be approved by the State Superintendent, together with specifications, estimates of cost and bills for materials, will be furnished by the State Superintendent on application. The purpose of limiting the amount of the school fund that can be annually expended for the school buildings was to prevent the hurtful decrease of the school term. Using the proceeds of the sale of old school property for new and better property is simply exchanging school property, and need not be accounted for in the annual apportionment of the school fund of the county.

11. Public School Building Not Subject to Statutory Lien.—"A public school building, vested in trustees for public school purposes, is not subject to a statutory lien for materials furnished for its contractor in the

absence of a statute indicating a legislative purpose to the contrary." 150 N. C., 680. (December 13, 1911.)

12. New Buildings.—Sections 4116 and 4124 authorize county paying half cost of building out of county building fund, and taking out of district fund balance unless otherwise provided for by district.

Joyner to J. O. Carr, December 3, 1914.

XII.

MISCELLANEOUS.

1. Contracts with Private Schools Authorized; Contracts with Sectarian or Denominational Schools Forbidden.—Section 4151 of the Public School Law expressly gives authority to the school committee to contract with the teacher of a private school, regularly conducted for at least six months in the year, to use the public school fund in connection with the private school to give instruction to all pupils between the ages of six and twenty-one years in the branches of learning taught in the public schools, under the conditions prescribed in that section. I have ruled that the term *private school* does not include *sectarian* and *denominational schools*. There is, therefore, not only no authority for making any contract with these schools for the use of public school funds, *but contracts with such schools are forbidden*.

2. Compulsory Vaccination, Sanitary Committee May Order.—Section 4347, Volume II, *The Revisal* of 1905, provides that the sanitary committee of the county may make such regulations and provisions for the vaccination of all the inhabitants of the county and impose such penalties as they deem necessary to protect the public health. Sections 3453 and 3455, Volume I, *The Revisal* of 1905, make any person violating these rules and regulations guilty of a misdemeanor. Therefore, if the sanitary committee of a county legally orders compulsory vaccination for the people of a town, it is the duty of the school authorities and patrons of the schools to obey the order. It is especially the duty of all teachers and school officers to inculcate in children the spirit of obedience to law. See *section 23, chapter 62, Laws 1911*.

3. Only Colleges and Universities Can Confer Degrees; Power Given by Legislature.—Only a chartered college or university can issue a diploma or confer a degree. Colleges and universities have no power to confer degrees or grant diplomas unless the power is expressly given by legislative enactment. (February 23, 1909.)

4. Use of Schoolhouse for Religious Purposes.—The schoolhouse is the property of all the people, built by the taxes of all the people, and, while it is under the control of the county board of education and the school committee, the continuous use of it for the benefit of only a part of the people consisting of one religious denomination is always subject to criticism from some of the people belonging to other denominations; and, for that reason, I think it usually unwise to permit a schoolhouse to be used continuously as a church by one sect or denomination. If one denomination is permitted to use it for this purpose other denominations would have the same right to demand its use, if needed, and all sorts of complications might arise. I think the occasional use of the schoolhouse by any religious denomination for such a good purpose as the promotion of religion among the

people is for the elevation of the community and is proper, or the use of it by a denomination while they are building a church, or getting ready to build a church, as an accommodation, it seems to me, ought not to be objected to, with the permission of the county board of education and the school committee.

5. County Board of Education does not have right to require individual drinking cups.

Calvert to Joyner February 7, 1913.

6. The Chairman of a Board of Trustees or other governing body has only one vote. That is, he may not vote as a member and also as chairman after his vote as a member has been used to bring about a tie.

Bickett to Joyner, May 23, 1913.

7. Vaccination Against Smallpox and other contagious diseases may be required of all school children by Board of Health of any town, city or county.

Bickett to Joyner, November 25, 1913.

8. Legislature Cannot Raise rate of interest on school bonds without providing for an election by the people in the district affected.

Bickett to Joyner, January 28, 1915.

9. A City School Board may not use the taxes, levied and collected, for school purposes to run a night school for adults, unless special permission to this end is granted by Legislature.

Bickett to Joyner, January 19, 1915.

10. Position on Sub-Textbook Commission is not to be considered an office, and a member of the sub-textbook commission may hold office while pursuing his duties as member of such commission.

Bickett to Joyner, October 7, 1913.

11. If a School Site has Been Donated with the provision that it reverts to owner when no longer used for school purposes, the committee have a right to remove or sell the school building, etc., before giving up the site.

Calvert to Joyner, July 14, 1913.

12. Not More Than One-third of the funds for the maintenance of the high school department in any public high school may be apportioned by the county board of education out of the county school funds until a minimum school term of six months is reached throughout the county.

INDEX TO PUBLIC SCHOOL LAW

A

	Section	Page
Abstract tax lists to be furnished county board.....	4110	32
Accounts of State board.....	4034	25
Action on bond county treasurer.....	4153	52
Additional powers of county board.....	4125	40
Admission of students to farm-life school.....		104
Age for free tuition.....	4085	27
Agriculture, elements of, to be taught.....	4087	28
Aim of farm-life school.....		98
Alcoholic drinks, effects of.....	4087	28
Amendments to School Law, 1915.....		16-23
Annual reports State Superintendent to include operations of loan fund....	4092	29
Apportionment, basis of.....	4029	24
Apportionment county school fund.....	4117	38
Apportionment income permanent fund.....	4116	36
Apportionment special tax funds.....	4094-95	30
Apportionment unused funds.....	4113-15	33-35
Appropriation for libraries.....	4116	36
Appropriation for farm-life schools.....	4179	62
Arithmetic to be taught.....		104
Attendance compulsory.....	4087	28
Attendance on institutes.....	4085	27
Attendance officer.....	4167	59
Attorney-General member of State board.....		88
Auctioneers' license taxes.....	4030	24
Auditor member State board.....	4107	31
	4030	24

B

Basis of apportionment school fund.....	4117	38
Biennial report State Superintendent.....	4089	28
Board of trustees farm-life school.....		98
Bond of treasurer of school fund.....	4152	51
Bonds for farm-life school.....		100
Bonds for schoolhouses—Statewide law.....		8
Bonds for schoolhouses in cities and towns—Statewide law.....		10
Bookcases for libraries.....	4174	61
Branches to be taught in public schools.....	4087	28
Building fund, provided for.....	4116	36
can bear only half cost of new house.....	4124	40
Buildings and equipment for farm-life school.....		99

C

Canvass of vote in special tax elections.....	4115	35
Census taken by committee.....		88
Certification of teachers.....	4162	55
Child labor.....		92
Cities and towns may levy special tax.....	4114	34
Civil government to be taught.....	4087	28
Civil liability of sheriff for failure to settle school taxes.....	4111	32
Closing school, nonattendance.....	4164	58
time of, fixed.....	4123	40
Collection of school taxes.....	4111	32
special taxes.....	4113-15	33-35
Committee, apportionment special tax funds.....	4113-15	33-35
care of property.....	4147	49
census deaf and dumb and blind children.....	4148	49
chairman of.....	4146	49
compensation of.....	4145	48
contract with private school.....	4151	50
dismissal of teacher.....	4161	55
district or township.....	4145	48
election of.....	4145	48
employment of teachers.....	4161	55
expenditures by.....	4149	50
illiterates reported by.....	4148	49
notification of apportionment.....	4116	36
oath of.....	4088	28
not to overdraw account.....	4150	50
records.....	4149	50
removal.....	4126	41
report value of school property.....	4148	49
secretary of.....	4146	49
sign order for salary of teacher.....	4164	58
special tax districts.....	4115	35

	Section	Page
Committee, term of office.....	4145	48
township high school.....	4113	33
Composition to be taught.....	4087	28
Compulsory attendance.....	4085	27, 87
Condemnation of school site.....	4131	43
Constitution North Carolina and United States to be taught.....	4087	28
Construction of school law.....	4090	29
Contingent expenses State board.....	4031	25
Contingent fund.....	4116	36
Contract for schoolhouses in writing.....	4124	40
Corporate name of farm-life school.....		104
Cost of building, one-half from building fund.....	4124	40
Criminal liability of sheriff for failure to settle taxes.....	4111	32
Corporate powers.....	4030	24
County board, additional powers of.....	4125	40
apportionment of county fund.....	4116	36
compensation of.....	4134	44
contracts for schoolhouses.....	4124	40
dismissal of teacher.....	4127	41
districts, special tax, formed.....	4115	35
donations to.....	4130	42
duties of.....	4121	39
election of.....	4119	38
election of county superintendent.....	4135	44
equalize school term.....	4116	36
estimate for four-months term.....	4112	32
examination reports of superintendent and treasurer.....	4134	44
farm-life schools.....		93, 98
fix time opening schools.....	4123	40
grade schools.....	4116	36
investigations.....	4127	41
list fines reported to.....	4108	31
loans to districts.....	4055	26
may close school, nonattendance.....	4164	58
may punish for contempt.....	4128	42
may require reports of treasurer.....	4160	54
members may be removed.....	4126	41
members take oath of office, when.....	4120	39
meetings, number of.....	4133	43
must use approved plans of houses.....	4124	40
notification to committeemen of apportionment.....	4116	36
oath of.....	4088	28
obey instructions State Superintendent.....	4090	29
power to create and abolish districts.....	4129	42
power to make regulations to secure attendance.....		90
qualifications for membership.....	4119	38
race discrimination prohibited.....	4116	36
removal county superintendent.....	4126	41
secretary of.....	4139	46
sale of school property.....	4130	42
shall fix salary of all teachers.....	4116	36
site for school may be condemned.....	4131	43
taxation for schools.....		81
term of office.....	4119	38
unused funds.....	4116	36
vacancy.....	4119-20	38-39
County commissioners appoint special tax election officers.....	4115	35
must levy tax for four months school.....	4112	32
order special tax district elections.....	4115	35
County officers to file list of fines, etc.....	4108	31
County school fund, what.....	4107	31
Course of study.....	4087, 4113	28, 33
County superintendent, advises committeemen.....	4142	46
attendance on State association.....	4141	46
conducts examinations.....	4162	55
distributes blank forms.....	4142	46
election of.....	4135	44
examinations, private.....	4162	55
fee for private examination.....	4162	55
holds teachers' meetings.....	4140	46
inspection new houses.....	4124	40
keeps an index of deeds.....	4132	43
must not teach school.....	4138	45
must reside in county.....	4128	45
must visit schools.....	4141	46
office at county seat.....	4139	46
qualifications of.....	4135	44
removal from office.....	4126	41
report deaf and dumb and blind children.....	4144	47
report to State Superintendent.....	4143	47
salary of.....	4144	47
secretary county board.....	4139	46

	Section	Page
County superintendent signs all orders on treasurer.....	4154	52
term of office	4135	44
County treasurer made treasurer of school fund.....	4152	51
compensation	4152	51
Construction of School Law.....		105-127

D

Date for payment of loans.....	4054	26
Day, what constitutes	4163	57
Deaf and dumb and blind children reported.....	4144	47
Deaf children must attend.....		76
Deeds to school property filed with clerk of court.....	4132	43
Discrimination against any race forbidden.....	4085	27
Dismissal of teachers	4161	55
Distribution of \$250,000, per capita.....		82
Distribution blank forms by county superintendent.....	4142	46
Districts, account kept treasurer.....	4157	53
bear one-half cost of building.....	4124	40
created or abolished by county board.....	4129	42
how formed	4129	42
loans to	4055	26
may jointly employ superintendent.....	4137	45
may vote special tax	4115	35
must have 65 census.....	4129	42
Donations may be accepted by county board.....	4130	42
Drawing must be taught.....	4087	28
Duties and powers of county board.....	4121	39
Duties State Superintendent	4089-92	28-29

E

Effects of narcotics taught.....	4087	28
Election, county board	4119	38
county superintendent	4135-36	44-45
farm-life school board		98
special district tax	4115	35
special tax in cities and towns.....	4114	34
special county tax		81
township high school tax.....	4113	33
Employment of teachers, method.....	4161	55
Enforcement of school law by State Superintendent.....	4090	29
English grammar to be taught.....	4087	28
Enlargement of libraries	4177	61
Enlargement special tax districts.....	4115	35
Equalizing school fund, State.....		82
Estimate for four-months school term.....	4112	32
Estrays, proceeds of sale of.....	4107	31
Examinations, private	4162	55
time of	4162	55
teachers	4162	55
Examiners, State Board of.....	4162	55
Exchange, libraries	4176	61
Execution school law	4125	40
Exemption certain schools from chapter 89.....	4029	24
Expenditures by committee	4149	50
Extension and demonstration work.....		95, 103

F

Failure county treasurer to make report misdemeanor.....	4160	54
Failure member of county board to qualify creates vacancy.....	4120	39
Farm-life school (Guilford)		93
Farm-life school:		
aim		98
admission of students		104
appropriation of State funds.....		98
board of trustees		98
buildings, etc.		99
bonds to be issued.....		100
corporate name		104
certification of teachers		103
extension and demonstration		103
election in county		99
election in township		100-101
high school in connection with.....		102
location		98
treasurer of		104
Fee for private examination.....	4162	55
Fines belong to school fund.....	4107	31
Fines, list of, reported to county board.....	4108	31
Fiscal year	4118	38
Forfeitures belong to school fund.....	4107	31
Formation of special tax districts.....	4115	35

	Section	Page
Forms to be printed by State Superintendent.....	4089	28
Four-months school required	4112	32
Freeholders, petition for local tax.....	4113-15	32-35
Funds, apportionment special tax.....	4113-15	33-35
repayment of loans	4055	26

G

General power county board to execute school law.....	4125	40
Geography to be taught.....	4087	28
Government, elements of civil, taught.....	4087	28
Governor member State board.....	4030	24
Grade of school considered in fixing salary of teacher.....	4116	36
Guilford Farm-life School		93

H

Health law		79
High school certificate	4162	55
High school law		72
High schools for townships	4113	33
High school subjects taught in what schools.....	4113	33
History to be taught	4087	28
Houses must be built according to approved plans.....	4124	40
How township high school tax may be voted.....	4113	33
Hygiene to be taught.....	4087	28

I

Illiterates reported by committee.....	4148	49
Income permanent fund, how apportioned.....	4094	30
Index deeds to school property.....	4132	43
Indians of Robeson County have separate schools.....	4085, 4168,	27, 62, 63
Inspection new schoolhouses	4124	40
Installment on loans	4054	26
Institutes	4167	59
Investigations, county board	4127	41
Investment fund, State board.....	4035	25

L

Language lessons taught	4087	28
Liability of sheriff for school taxes.....	4111	32
Libraries, appropriation for	4179	62
bookcases for	4174	61
cities and towns excluded.....	4178	62
enlargement of	4177	61
exchange of	4176	61
how established	4172	60
managers of	4172	60
number established limited	4178	62
rules for	4175	61
State contribution	4173	61
License, proceeds auctioneers'.....	4107	31
Lieutenant-Governor member State board.....	4030	24
Limitation on building fund.....	4116	36
Liquor license tax, proceeds of	4107	31
List fines, penalties, etc., to be furnished.....	4108	31
List taxes, separate columns for school taxes.....	4109	31
Literary fund, property of.....	4033	25
Loans, building schoolhouses	4053-56	26
how repaid	4054	26
how secured	4055	26
school districts	4056	26
Location of farm-life school.....		93, 98

M

Maximum salary teacher fixed by county board.....	4116	36
Meetings county board, number of.....	4133	43
Meeting, teachers'	4140	46
Members county board, oath of.....	4088	28
Members State board, who.....	4030	24
Minimum salary to holder State certificate.....	4163	55
high school certificate	4162	55
Month, what constitutes	4163	57

N

Negroes may not attend white schools.....	4086	27
Nonattendance, closing schools for.....	4164	58
No race discrimination	4116	36
Notes for school loans deposited with State Treasurer.....	4054	26

O

	Section	Page
Oath of office school officers.....	4088	28
Office days county treasurer.....	4156	53
Officers school system to obey instructions State Superintendent.....	4090	29
Officers State board.....	4031	25
Office State Superintendent must be at capital.....	4089	28
Opening of schools, time fixed.....	4123	40
Omnibus bill.....		16-23

P

Payment apportionment from permanent fund.....	4095	30
Payment schoolhouse loans.....	4054	26
Penalties, list of, to be filed with county board.....	4108	31
Penalties, proceeds, belong to school fund.....	4107	31
Permanent school fund, what.....	4093	30
Petition for local tax election.....	4113-15	33-35
Physiology taught.....	4087	28
Place of meeting State board.....	4031	25
Plans used for building schoolhouses.....	4124	40
Poll holders for special tax election.....	4115	35
Powers and duties county board.....	4121	39
Power of county board to punish for contempt.....	4128	42
Powers of State board.....	4033	25
President of State board.....	4031	25
Private school, contract with.....	4151	50
Private examinations.....	4162	55
Proceedings State board must be kept.....	4032	25
Property of literary fund.....	4033	25
Public school, law to be printed.....	4089	28
studies.....	4087, 4113	28, 33
system uniform.....	4085	27
Pupils, may be dismissed.....	4166	59
rules for attendance.....	4122	39

Q

Qualifications membership county board.....	4119	38
office county superintendent.....	4135	44
teacher considered in fixing salary.....	4116	36
Quorum State board.....	4031	25

R

Races must have equal school term.....	4116	36
separate schools for.....	4085	27
Rate special tax.....	4113-15	33-35
Reading to be taught.....	4087	28
Recommendations State Superintendent.....	4089	28
Register of deeds to furnish abstract of tax lists.....	4110	32
Registrar for special tax elections.....	4113-15	33-35
Registration for special tax elections.....	4113-15	33-35
Removal school officers.....	4126	41
Repayment loans.....	4054	26
Report county superintendent to State Superintendent.....	4143	47
State Superintendent to Governor.....	4089	28
teacher's monthly.....	4164	58
Reports county treasurer and superintendent examined.....	4134	44
of treasurer required.....	3839, 4153	54, 52
Rules, establishment township high schools.....	4113	33
libraries.....	4175	61
Rules and regulations, school attendance.....	4122	39
Rural libraries.....	4172-79	60-62

S

Salary county superintendent.....	4144	47
teacher, fixed by county board.....	4116	36
teacher, paid, how.....	4164	58
School age.....	4085	27
School committee, election of.....	4145	48
committee, oath of.....	4088	28
committee, township high school.....	4113	33
day, length of.....	4163	57
district, must have 65 census.....	4129	42
districts, how formed.....	4129	42
fund, apportionment.....	4116	36
fund, permanent.....	4093	30
house loans.....	4053	26
houses, building of.....	4124	40
law to be published.....	4089	28
month, length of.....	4163	57
officers to obey instructions.....	4090	29
property, charge of committee.....	4147	49
property may be sold.....	4130	42
separate for each race.....	4085	27

	Section	Page
School sites, how acquired.....	4131	43
taxes in separate column.....	4109	31
School term must be four months.....	4112	32
term, races equal.....	4116	36
township high.....	4113	33
year.....	4118	38
Schools exempt from provisions chapter 89.....	4029	24
Secretary county board.....	4139	46
State board.....	4031	25
of State member State board.....	4030	24
Security for loans.....	4055	26
Separate schools for races.....	4085	27
Sheriff's liability for school taxes.....	4111	32
Special permanent school fund.....	4093	30
Special tax, apportionment.....	4113-15	33-35
county.....	4112	32
districts.....	4115	35
four-months school.....	4112	32
towns and cities.....	4114	34
township high school.....	4113	33
Spelling taught.....	4087	28
State appropriation for schools.....		82
State Association County Superintendents.....	4141	46
State board.....	4030-35	24-25
corporate powers.....	4030	24
examiners.....	4162	55
makes schoolhouse loans.....	4053-56	26
proceedings kept.....	4032	25
powers of.....	4033	25
quorum.....	4031	25
State certificate.....	4162	55
State Superintendent.....	4089-92	28-29
biennial report.....	4089	28
enforcement school law by.....	4090	28
member State board.....	4030	24
office at capital.....	4089	28
print school law.....	4089	28
recommendations.....	4089	28
report to include loan-fund operations.....	4092	29
State equalizing fund.....		82
State Superintendent secretary State board.....	4031	25
Studies required.....	4087, 4113	28, 33
Supplementary libraries.....	4177	61

T

Tax lists, abstracts furnished county board.....	4110	32
separate columns for school taxes.....	4109	31
Tax, special, for schools.....	4112-15	32-35
Teacher, age of.....	4163	57
assistant only, with third-grade certificate.....	4163	57
certificate, kinds.....	4162	55
character may be investigated.....	4127	41
dismissed by committee, how.....	4161	55
dismissed by county board, how.....	4127	41
employed, how.....	4161	55
examination.....	4162	55
high school certificate.....	4162	55
institute attended by.....	4167	59
keep register.....	4165	58
may dismiss pupils.....	4166	59
meetings.....	4140	46
monthly report.....	4164	58
must not be member county board.....	4119	38
no exemption from examination.....	4163	57
qualifications considered in fixing salary.....	4116	36
record census in school register.....	4148	49
report to county superintendent.....	4165	58
rules and regulations for.....	4122	39
salary, how paid.....	4164	58
salary for holder of second-grade certificate.....	4163	57
salary, maximum, fixed by county board.....	4116	36
State certificate.....	4162	55
suspended, how.....	4141	46
Temperance instruction.....		77
Term, committeemen.....	4145	48
continuous.....	4163	57
county board.....	4119	38
county superintendent.....	4135	44
each race equal.....	4116	36
four months in each district.....	4112	32
Time opening and closing schools.....	4123	40
Township high school committee.....	4113	33

	Section	Page
Treasurer, all orders must be signed by county superintendent.....	4154	52
bond	4152	51
county treasurer made treasurer school fund.....	4152	51
district account kept	4157	53
duties on expiration of term.....	4159	53
exhibit books to county board.....	4160	54
failure to report	3839, 4160	54
farm-life school		98
general account	4154	52
literary fund	4034	25
office days	4156	53
report examined	4134	44
report to State Superintendent.....	4158	53
State board	4031	25
State board to render account.....	4034	25
U		
Uniform system public schools.....	4085	27
Unused funds reapportioned	4116	36
V		
Vacancy county board, how filled.....	4119	38
office superintendent, how filled.....	4135	44
Visiting schools required	4141	46
W		
Warrants for loans issued by Auditor.....	4053	26
Weak districts aided by county funds.....	4116	36
Writing to be taught.....	4087	28
Women on school committees.....		97
Y		
Year, school, what	4118	38

INDEX TO RULINGS.

Committeemen and Trustees.....	Sec.	III, Page 111
Compulsory School Law.....	Sec.	A, Page 106
County Board of Education.....	Sec.	I, Page 108
County Superintendent	Sec.	II, Page 111
Libraries	Sec.	VIII, Page 119
Loans	Sec.	VIII, Page 119
Miscellaneous	Sec.	XII, Page 126
Patrons and Pupils.....	Sec.	V, Page 115
School Districts	Sec.	VI, Page 116
School Funds	Sec.	IX, Page 120
School Property	Sec.	XI, Page 124
Special Tax District.....	Sec.	X, Page 122
Teachers	Sec.	IV, Page 113
Text-Books	Sec.	VII, Page 119

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